

BRITISH ENACTMENTS

In Force in Indian States

VOLUME VII

States in Relation with Local Governments

- | | |
|---|--------------------------------------|
| 1—Statutes in force | 5—Acts locally applied |
| 2—Acts of the Governor General in Council and of the Indian Legislature in force | 6—Orders relating to Courts |
| 3—Orders under Statutes in force | 7—Local or Special Laws |
| 4—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures | 8—Orders under Acts applied |
| | 9—Orders under Local or Special Laws |

In Assam, Bengal, Bihar and Orissa, Bombay, Burma, Central Provinces, Punjab and United Provinces.

COMPILED BY

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British Enactments in Force in Indian States

Volume VII.

STATES IN POLITICAL RELATIONS WITH LOCAL GOVERNMENTS.

CHAPTER I —ASSAM

The States in political relations with the Governor of Assam in Council are —

Agency	States	
Khasi Hill States	1 Bhowal	13 Maolong
	2 Cherra (Sohrah)	14 Mawsynram.
	3 Dwara Nongtyr-	15 Mariaw
	men	16 Mylhem
	4 Jirang	17 Nobosohphoh
	5 Khyrim	18 Nongkhlaw
	6 Langrin	19 Nongliwai
	7 Lyngiong	20 Nongspung
	8 Maharam	21 Nongstoin
	9 Malaishmat	22 Pomsanngut
	10 Mawdon	23 Rambrai
	11 Mawphlang	24 Shella
	12 Mawiang	25 Sohiong
Manipur	Manipur	

The Chiefs (*Seims*) of the Khasi States enjoy only limited powers. Their jurisdiction is confined to Civil suits* and minor criminal cases in which their own Khasi subjects alone are concerned, all other suits and cases being referred to the Political Agent (who is Deputy Commissioner of the Khasi and Jaintia Hills District) for adjudication. Their administrative powers are also subject to various restrictions.

In the Manipur State both civil and criminal jurisdiction over British subjects vests in the Political Agent. But the President of the Durbar, who is a British Officer lent to the State, has been invested with the powers of a Magistrate of the first class in respect of British subjects who are natives of the Naga Chin or Lushai Hills, and he is also empowered to dispose of all civil suits in which such persons are concerned. Appeals lie from the President's decisions to the Political Agent, who also disposes of all cases for which the President's magisterial

* The *Seims* of States Nos 6, 9, 12, 14, 21 and 24 have agreed that suits for divorce and other matrimonial cases where the parties are Native Christians shall be decided by the Political Agent. The *Seims* of States Nos 7, 8, 10, 15, 17, 19, 20, 22, 23 and 25 have agreed to the disposal of such matters by the Political Agent jointly with the *Seim*.

powers are inadequate subject to confirmation by the Governor in Council of sentences of death, or of imprisonment exceeding seven years. A similar arrangement obtains in the case of the Hill tribes dependent on the Manipur State, except that no appeals lie in civil cases.

There are two Administered Areas in these States, namely —

(1) The British Reserve in Manipur, which consists of the headquarters of the Agency at Imphal and a small sanatorium at Kangjupkhul and

(2) the Shillong (Rifle Range) Cantonment

In the area (known as the “ Shillong Administered Area ”) adjoining Shillong the jurisdiction necessary for municipal administration and other purposes has been ceded. Jurisdiction for particular purposes has also been ceded by the *Siem* of Mylhem in other parts of the State of Mylhem, and a limited jurisdiction has been ceded on certain roads in the States.

STATES IN ASSAM

The following British enactments are in force in the States in Assam —

- I—Statutes ¹
- II—Acts of the Governor General in Council and of the Indian Legislature—*See* Appendix II
- III.—Orders under Statutes.—*See infra*, page 4
- IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature—*See infra*, page 4
- V—Special Laws—*See infra*, page 7
- VI.—Orders relating to Courts.—*See infra*, page 17
- VII.—Orders under Special Laws—*See infra*, page 23

¹ Not enumerated *See* Preface to this Edition, paragraph 4

III—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —See Appendix I 53 and 54 Vict., c. 37.

No 580-D, dated the 26th January, 1917 —(Jurisdiction of High Courts over European British subjects) —Printed in Appendix IV 5 and 6, Geo. V, c., 61.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Officer to whom certificates of marriage are to be sent

No 1332-E, dated the 29th June, 1888 —¹ And in exercise of the powers conferred by section 56 of the said Act, the Governor-General in Council is pleased to appoint the Secretary to the Chief Commissioner of Assam, for the time being, as the officer to whom Marriage Registrars in Native States situated in the Khasi Hills shall send the certificates mentioned in section 51 of the aforesaid Act

[*Gazette of India*, 1888, Pt I, p 294]

Fees and Rules

No 1586-E dated the 29th August, 1892 —Printed in Appendix V

INDIAN ARMS ACT, 1878

Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act

Rules regarding the export of arms and ammunition from, and their import into, British India

No F 829-I -22, dated the 3rd November 1923 —(The Indian Arms Rules, 1924) —Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Rules and Fees

No 1173, dated the 19th July, 1888 —Printed in Appendix VI

¹ Cancelled by Notification No 2033-I B, dated the 26th September, 1912. *Gazette of India*, 1912, Pt I, p 1052

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees

No 341, dated the 11th August, 1904 —In exercise of the power conferred by sub-section (4) of section 2 of the Indian Foreign Marriage Act, 1903 (XIV of 1903), the Governor-General in Council is pleased to prescribe a fee of Rs 5 for every certificate to the effect that notice under the Act has been given, and published in accordance with the said section

A Marriage Registrar, District Magistrate, " " or Political Agent may in his discretion remit a part not exceeding three-fourths of the fee to any person who appears to him to be in indigent circumstances

Where the fee is received by any person, who is a Government servant and not a minister of religion, it shall be paid into a Government Treasury and where it is received by any other person it may be retained by him

[*Gazette of India*, 1904, Pt I, p 592]

INDIAN EXTRADITION ACT, 1903

Rules under the Act, except in areas in States under British jurisdiction.

No 1862-I A , dated the 13th May, 1904 —Printed in Appendix VIII

INDIAN UNIVERSITIES ACT, 1904

Inclusion of Assam States in the territorial limits of the Calcutta University.

No 717, dated the 20th August, 1904 —Printed in Appendix IX

CODE OF CIVIL PROCEDURE, 1908

Authority to sanction institution of suits, and execution of decrees, against Chief of Manipur

No 749-I B , dated the 27th March, 1912 —Printed in Appendix X

OFFICIAL TRUSTEES ACT, 1913

Inclusion of States in the Province of Assam for purposes of the Act

No 1450-D , dated the 19th March, 1914 —Printed in Appendix XII

6 STATES IN ASSAM —(IV —Orders under Acts of the Governor
General in Council and of the Indian Legislature)

ADMINISTRATOR GENERAL'S ACT, 1913

Inclusion of States in the Province of Assam for purposes of the Act.

*No. 1449-D , dated the 19th March, 1914 —Printed in Appendix
XIII*

Exercise of the powers and duties of a District Judge under the Act.

*No. 3542-I , dated the 27th August, 1891 —Printed in Appendix
XIII*

INDIAN MOTOR VEHICLES ACT, 1914

*Conditions subject to which motor vehicles from Indian States may be
brought temporarily into British India*

No. 627, dated the 6th July, 1916 —Printed in Appendix XIV.

V.—Special Laws

Application of the Indian Penal Code and of Criminal and Civil Justice Rules to the Khasi States, excluding the portion in the town of Shillong.

No 2277-I B, dated the 12th October, 1916—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to apply to the Khasi States, excluding the portion of the town of Shillong which is not British territory, the enactment and rules specified in the Schedule hereto annexed, in so far as the same may be applicable, and subject to any amendments to which the enactment and rules are for the time being subject in British India

Provided, firstly, that the said enactment and rules shall apply only to such cases as the Khasi Chiefs are not empowered to adjudicate and decide under any sanad or grant,

Provided, secondly, that in the enactment and rules as so applied, references to a Local Government shall be read as referring to the Chief Commissioner of Assam, and except where the context or the modifications hereinafter referred to otherwise require, references to British India shall be read as referring to the area or areas to which the enactment or rules wherein the expression occurs has been applied,

Provided, thirdly, that for the purpose of facilitating the application of the said enactment and rules any court may construe the provisions thereof with such alterations not affecting the substance, as may be necessary or proper to adapt them to the matter before the court

SCHEDULE

1 The Indian Penal Code, 1860 (Act XLV of 1860)

2 The Rules relating to Criminal justice as contained in section III, and Rules relating to Civil justice as contained in section IV of the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills made by the Chief Commissioner under section 6 of the Scheduled Districts Act, 1874, and published with notification No 12521-J, dated the 29th November 1906

[*Gazette of India*, 1916, Pt I, p 1519]

'Application of Indian Penal Code, Code of Criminal Procedure, 1898, and Civil Justice Rules to the "Shillong Administered Area"

No 2278-I B, dated the 12th October, 1916—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to apply to the portion of the town of Shillong which is not British territory, the enactments and rules speci-

fixed in the Schedule hereto annexed, in so far as the same may be applicable, and subject to any amendments to which the enactments and rules are for the time being subject in British India

Provided, firstly, that the said enactments and rules shall apply only to such cases as the Khasi Chief concerned is not empowered to adjudicate and decide under any sanad or grant,

Provided, secondly, that the further modifications set forth in the said Schedule shall be made in the said enactments and rules as so applied

Provided, thirdly, that in the enactments and rules as so applied, references to a Local Government shall be read as referring to the Chief Commissioner of Assam, and except where the context or the modifications hereinafter referred to otherwise require, references to British India shall be read as referring to the area or areas to which the enactments or rules wherein the expression occurs have been applied,

Provided, fourthly, that for the purpose of facilitating the application of the said enactments and rules any court may construe the provisions thereof with such alterations not affecting the substance, as may be necessary or proper to adapt them to the matter before the court

SCHEDULE

- | | |
|--|---|
| <p>1 The Indian Penal Code, 1860 (Act XLV of 1860)</p> <p>2 The Code of Criminal Procedure, 1898 (Act V of 1898)</p> <p>3 The Rules relating to Civil Justice as contained in Section IV of the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills made by the Chief Commissioner under section 6 of the Scheduled Districts Act, 1874, and published with Notification No 12521-J, dated the 29th November, 1906</p> | <p>1 The expression "High Court" shall mean the Chief Commissioner of Assam except in reference to proceedings against European British subjects or persons jointly charged with European British subjects</p> <p>2 In section 188 the first proviso shall be omitted</p> |
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[*Gazette of India*, 1916. Pt I, p 1519]

Application of Indian Electricity Act, 1910, to Mylhem State within a radius of three miles from Shillong Court House

No 1800-467-Intl, dated the 23rd August, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to apply the Indian Electricity Act, 1910 (IX of 1910), with the omission of sub-sections (2) and (3) of section 1 and sub-sections (1), (2) and (2) of section 38 thereof and subject to any

amendments to which the said Act is for the time being subject in British India, to so much of the State of Myllem in the Khasi and Jaintia Hills as lies within a radius of three miles from the Court House of Shillong, and to direct that in the said Act, as applied, references to a Local Government shall be read as referring to the Governor of Assam in Council, references to a District Magistrate shall be read as referring to the Deputy Commissioner, Khasi and Jaintia Hills, and references to a Commissioner shall be read as referring to the Commissioner of the Surma Valley and Hill Division, and further to direct that for the purpose of facilitating the application of the said Act any Court in the area to which the said Act has been applied may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court

[*Gazette of India*, 1922, Pt I, p 1055]

Application of Indian Motor Vehicles Act, 1914, to Shillong-Gauhati and Shillong-Cherrapunji roads in Myllem, Nongkhlaw and Cherra States

No 634-I, dated the 14th November, 1928 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the Indian Motor Vehicles Act, 1914 (VIII of 1914), shall apply to so much of the Shillong-Gauhati road and of the Shillong-Cherrapunji road as lies within the States of Myllem, Nongkhlaw and Cherra in the Khasi and Jaintia Hills District, subject to any amendments to which the said Act is for the time being subject in British India and with the modifications specified in the Schedule hereto annexed, and further to direct that for the purpose of facilitating the application of the said Act the Court of the Deputy Commissioner, Khasi and Jaintia Hills, may construe the provisions thereof and of any notifications, orders or rules thereunder with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the said Court

SCHEDULE

1 References to the Local Government and to the local official Gazette shall be read as referring to the Governor of Assam in Council and to the Assam Gazette, respectively

2 Sub-section (3) of section 1 shall be omitted

3 In section 17, the words "a Presidency Magistrate or" shall be omitted

[*Gazette of India*, 1928, Pt I, p 976]

Application of Indian Income-tax Act, 1922, to Myllem State within a radius of three miles from Shillong Court House

No 61-Intl dated the 26th September, 1923 —Whereas U Kmuin Manik Siem of Myllem, in the Khasi and Jaintia Hills, has ceded to the British Government the jurisdiction necessary for the working of the Indian Income-tax Act, 1922 (XI of 1922), in that portion of the Myllem State which falls within a radius of three miles from the Court of the Deputy Commissioner, Khasi and Jaintia Hills, at Shillong, subject to the maintenance of his other rights and powers as Siem of Myllem therein, and subject also to the condition that the provisions of the said Act shall not be applicable to his own income present or future or to that of his Khasi subjects or of the Khasi subjects of the other Chiefs in the Khasi Hills.

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased in supersession of the notification of the Government of India in the Foreign and Political Department, No 404-I B, dated 4th April 1917 to direct as follows —

1 All the provisions of the Indian Income-tax Act 1922 (XI of 1922), as from time to time amended, and all notifications, orders, rules and forms made thereunder, subject to any amendments to which they are for the time being subject in British India, shall, unless otherwise declared by the Governor of Assam in Council, be applied to all persons resident within the said portion of the Myllem State other than the said Siem of Myllem, his Khasi subjects and the Khasi subjects of other Chiefs in the Khasi Hills

2 For the purpose of the application of the provisions of the said Act and of the said notifications, orders, rules and forms,—

- (1) 'British India' includes the said portion of the Myllem State
- (2) "Local Government" means the Governor of Assam in Council,
- (3) "Commissioner of Income-tax", "Assistant Commissioner of Income-tax" and "Income-tax Officer" mean, respectively, the officer holding the corresponding appointment in that part of the Sadai sub-division of the Khasi and Jaintia Hills district which is situate in British India

[*Gazette of India*, 1923, Pt I, p 1266]

Application of Assam Municipal Act, 1923, to certain villages in Myllem State

No 3163-I B, dated the 17th September, 1913 —Whereas U Ron Singh, Siem of Myllem in the Khasi and Jaintia Hills has ceded to the

British Government the jurisdiction necessary for the Municipal Administration of the villages of Maokhar, Laban, Malki, Laitumkhrak, Jhalupara and Mawprem, situate within the boundaries described in the schedules hereto annexed, subject to the maintenance of all other rights and powers as Siem of Mylliem therein —

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct as follows —

¹[1 All the provisions of the Assam Municipal Act, 1923 (Assam Act I of 1923), as amended up to the 30th April, 1926, subject to the exceptions hereinafter mentioned, as are in force for the time being in the Municipality of Shillong, and all notifications, orders, schemes, rules, forms or bye-laws made or hereafter to be made for the said Municipality shall, unless otherwise declared by the Government of Assam, be in force in the said villages in so far as the same may be applicable thereto

Provided that sections 58, 59 (b), 59 (g), 65, 78, 129, 216, 217 and 218 of the said Act shall not apply to the said villages, and that clause (b) of sub-section (1) of section 55 of the said Act shall not apply to the Umshirpi and Umkhrak rivers so far as they are within the said villages]

²[2] Sanction under the Building Regulations to the erection in the villages of Malki, Laitumkhrak, Jhalupara and Mawprem of any house or hut on land not previously built upon shall be subject in each case to the previous consent thereto of the Siem of Mylliem

SCHEDULE A

Boundaries of the block consisting of villages Maokhar, Mawprem and Jhalupara

East —The Umsohsun river from the Cantonment boundary to its junction with the Umkhrak river, thence along the Umkhrak river to a point where it turns westward at the village of Maolai

West —The Umshirpi river from the Cantonment boundary to its junction with the Umkhrak river

North —The Umkhrak river from the Maolai village to its junction with the Umshirpi river

South —The Shillong Cantonment

¹ Substituted by Notification No 313-I, dated the 22nd May, 1928 *Gazette of India*, 1928, Pt I, p 524

² Re-numbered by ditto

No. 1.

Page 12 —In Notification No 3163-I B, dated the 17th September 1913, for Schedule B, substitute the following —

“ SCHEDULE B

Boundaries of the block consisting of village Laban —

East —The Laitkor Government forest

West —Follow the boundary to the junction of the Umjasai river with the Ummawlong stream, thence up the Ummawlong stream to boundary pillar No 22 on the boundary of the Shillong (Rifle Range) Cantonment. Thence the boundary of this cantonment through boundary pillars Nos 21D, 21C, 21B and 21A to the boundary pillar No 21 on the fire-line of the Riak Laban Protected Forest, thence the fire-line of this forest to boundary pillar No 9 on the Peak Ride

North —The Umshviri river from the western boundary of the Laitkor forest to its junction with the Umjasai river

South —The Peak Ride from boundary pillar No 9 to the fire-line of the Laitkor Government forest ”

[Notification No 33-I, dated the 2nd January 1930

Gazette of India, 1930, Pt I, p 4]

North —The Jowai road from Elders Hill to the Government Fruit Garden.

SCHEDULE D

Boundaries of the block consisting of village Laitumkhrah.

East —Ka Wah Nongthymmai (river) from its junction with Ka Wah Umkhrah (river) to where it is crossed by the Jowai road

West —Ka Wah Pomdingim (river) (The whole length of it)

North —Ka Wah Umkhrah (river) from its junction with the Ka Wah Nongthymmai to its junction with Ka Wah Pomdingim

South —Jowai road from the Elders Hill to Nongthymmai bridge

[*Gazette of India*, 1913, Pt I, p 873]

Application of other enactments to the said villages.

No 314-I, dated the 22nd May, 1928 —Whereas the Siem of Mylhem in the Khasi and Jaintia Hills has ceded to the British Government the jurisdiction necessary for the working of the enactments hereinafter mentioned in the villages¹ named in the preamble to the notification of the Government of India in the Foreign and Political Department, No 313-I, dated the 22nd May 1928, subject to the main-

¹ These are the villages named in the preceding Notification No 3163-I B, dated the 17th September, 1913

tenance of all other his rights and powers as Siem of Mylliem therein —

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the enactments specified in the first column of the Schedule hereto annexed and all notifications, orders, rules and forms made thereunder shall, unless otherwise declared by the Government of Assam, apply to the said villages in so far as the same may be applicable thereto and subject to any amendments to which they are for the time being subject in British India

Provided that the further restrictions and modifications set forth in the second column of the said Schedule shall be made in the said enactments as so applied

The Schedule

<i>Enactments applied</i>	<i>Further modifications and restriction</i>
1 The Bengal Births and Deaths Registration Act, 1873 (Bengal Act IV of 1873)	References to the 'Lieutenant Governor' and to the 'Calcutta Gazette' shall be read as referring to the 'Government of Assam' and the 'Assam Gazette' respectively
2 The Bengal Vaccination Act, 1890 (Bengal Act V of 1890)	(1) References to the 'Lieutenant Governor' and to the 'Calcutta Gazette' shall be read as referring to the 'Government of Assam' and the 'Assam Gazette' respectively (2) Sections 13, 13-A, 14, 15, 16 and 17 shall be omitted
3 The Indian Telegraph Act, 1885 (XIII of 1885)	
4 The Epidemic Diseases Act, 1897 (III of 1897)	
5 The Lepers Act, 1898 (III of 1898)	
6 The Indian Post Office Act, 1898 (VI of 1898)	
7 The Glanders and Farcy Act, 1899 (XIII of 1899)	
8 The Assam Medical Act, 1916 (Assam Act 1 of 1916)	Section 19 shall be omitted

[*Gazette of India*, 1928, Pt I, p 524]

Application of certain General Acts in the Manipur State

No 535-I B, dated the 12th March, 1909 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No 413-E, dated the 3rd March 1891, the Governor General in Council is pleased to make the following orders for regulating the exercise of civil jurisdiction in the State of Manipur in cases in which British subjects are parties, except in cases in which no

British subject other than a native of the Naga Hills, Chin Hills, or Lushai Hills districts is concerned, and in cases arising within the limits of the British Reserve as set out in ¹[notification of the Government of India in the Foreign and Political Department,² No 490-I, dated the 18th July 1929]

(1) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the Acts specified in the schedule to this notification, shall be applied

(2) For the purposes of the said Acts, the ³[Governor of Assam in Council] shall be deemed to be the Local Government

(3) For the purpose of facilitating the application of the said Acts in any case any of their provisions may be construed with such alterations not affecting the substance as may be necessary or proper to adapt them to the circumstances of that case

(4) There shall be a Court of Small Causes with jurisdiction in all suits, cognizable under the Provincial Small Cause Courts Act 1887, when the amount or value of the subject-matter does not exceed five hundred rupees, and the Political Agent, Manipur, for the time being shall be the Judge of the Court of Small Causes

(5) The Political Agent, Manipur, for the time being shall exercise the powers of a District Court as described in the Code of Civil Procedure, with jurisdiction in all original suits whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by any of the Acts specified in the schedule to this notification

(6) Subject to the provisions of the Acts specified in the schedule to this notification, appeals from decrees and orders made by the Political Agent in exercise of the powers of a District Court shall lie to the ³[Governor of Assam in Council] who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of Civil Justice in the cases to which this notification applies

(7) If on the face of any plaint presented in this Court it shall appear that all the parties concerned are subjects of the Manipur State, the Political Agent may, if he thinks fit, return the plaint for presentation in any Court of the Manipur State having jurisdiction, and the case shall then be triable in such State Court, even though any or all of the parties are residents in the British Reserve

¹ Substituted by Notification No 492-I, dated the 18th July, 1929 *Gazette of India*, 1929, Pt I, p 919

² *Infra*, p 25

³ Substituted by Notification No 174-I, dated the 27th March, 1929 *Gazette of India*, 1929, Pt I, p 390

¹[SCHEDULE

- 1 The Court Fees Act, 1870 (VII of 1870)
- 2 The Indian Evidence Act, 1872 (I of 1872)
- 3 The Indian Contract Act, 1872 (IX of 1872)
- 4 The Provincial Small Cause Courts Act, 1887 (IX of 1887).
- 5 The Code of Civil Procedure, 1908 (Act V of 1908)
- 6 The Indian Limitation Act, 1908 (IX of 1908)
- 7 The Mussalman Wakf Validating Act, 1913 (VI of 1913)
- 8 The Indian Succession Act, 1925 (XXXIX of 1925)]

[*Gazette of India*, 1909, Pt I, p 203]

Application of the Indian Motor Vehicles Act, 1914, to the Dimapur-Manipur Road in the Manipur State

No 94-I, dated the 25th February, 1924 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the Indian Motor Vehicles Act, 1914 (VIII of 1914), shall apply to so much of the Dimapur-Manipur Road as lies within the Manipur State, subject to any amendments to which the said Act is for the time being subject in British India and with the modifications specified in the Schedule hereto annexed, and further to direct that for the purpose of facilitating the application of the said Act the Court of the Political Agent in Manipur may construe the provisions thereof and of any notifications, orders or rules thereunder with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the said Court

SCHEDULE

1 References to the Local Government and to the local official Gazette shall be read as referring to the Governor of Assam in Council and to the Assam Gazette, respectively

2 Sub-section (3) of section 1 shall be omitted

3 In section 17, for the words "inferior to that of a Presidency Magistrate or a Magistrate of the second class" the words "save the Court of the Political Agent in Manipur" shall be substituted

[*Gazette of India* 1924, Pt I, p 179]

Application of the Assam Rifles Act, 1920, to the Manipur State

No 175-I, dated the 27th March, 1929 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902,

¹ Substituted by Notification No 174-I dated the 27th March, 1929 *Gazette of India*, 1929, Pt I, p 390

and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to apply the Assam Rifles Act, 1920 (Assam Act I of 1920), and, unless otherwise declared by the Governor of Assam in Council, all notifications, orders and rules made from time to time thereunder to the Manipur State, including the British Reserve in Manipur, in so far as the same may be applicable, and subject to the modification specified below and to any amendments to which the said Act is for the time being subject in British India.

Provided that in the Act as so applied references to the Local Government shall be read as referring to the Governor of Assam in Council

Modification

Sub-sections (2) and (3) of section 1 shall be omitted.

[*Gazette of India*, 1929, Pt. I, p 391.]

VI.—Orders relating to Courts.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India

No. 1431-I, dated the 27th April, 1893 —Printed in Appendix XIX.

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A, dated the 13th May, 1904 —Printed in Appendix IV.

Jurisdiction of the High Court at Calcutta over European British subjects

No 580-D, dated the 26th January, 1917 —Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction

No 582-D, dated the 26th January, 1917 —Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D, dated the 16th January, 1917 —Printed in Appendix IV

Appointment of Justice of the Peace for Manipur

No 411-E, dated the 3rd March, 1891 —In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879¹, the Governor General in Council is pleased to appoint the officer for the time being holding the office of Political Agent, Manipur, being a European British subject, to be a Justice of the Peace within the State of Manipur

Foreign Department notification No 123-J, dated the 6th October 1876, is hereby cancelled

[*Gazette of India*, 1891, Pt I, p 122]

British Criminal Courts in the "Shillong Administered Area"

No 2279-I B, dated the 12th October, 1916 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to provide as follows for the administration

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I.

of criminal justice in cases which the Khasi Chief concerned is not empowered to adjudicate and decide under any sanad or grant, within the area comprised in the municipality of Shillong which is not British territory, hereinafter called the Shillong Administered Area

For the purposes of criminal jurisdiction the officers mentioned in *Assam Gazette* Notification No 6150-J, dated the 11th October 1916, and invested with certain powers within the district and sessions division of Shillong as defined by the said notification shall exercise the same powers within the Shillong Administered Area

[*Gazette of India*, 1916, Pt I, p 1519]

No 6150-J, dated the 11th October, 1916 —In exercise of the powers conferred by sections 7, 9, 10, and 30, respectively, of the Code of Criminal Procedure, 1898, the Governor of Assam in Council is pleased,—

- (1) with the previous sanction of the Governor General in Council, to direct that such portion of the municipality of Shillong as is British territory shall be a district and sessions division, to be called the district of Shillong, and the sessions division of Shillong, respectively,
- (2) (a) to establish a Court of Session for the sessions division of Shillong, and to appoint as Judge of such court the Commissioner of the Suima Valley and Hill Districts Division;
- (b) to direct that Shillong shall be a place at which the court of Session shall hold its sittings, and
- (c) to direct that the District Magistrate shall, when exercising the powers of an additional Sessions Judge exercise jurisdiction in the said Court of Session,
- (3) to appoint the Deputy Commissioner of the Khasi and Jaintia Hills District to be a Magistrate of the first class and to be District Magistrate in the district of Shillong; and
- (4) to invest the District Magistrate of Shillong with power to try, as a Magistrate, all offences not punishable with death.

[*Assam Gazette*, 1916, Pt II, p 1547]

British Criminal Courts in the Manipur State

No 534-I B, dated the 12th March, 1909 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No 412-E, dated the 3rd March, 1891, the Governor-General in Council is pleased to make the following orders determining the powers of the Political Agent, Manipur, in respect of

No 2

Page 19 —In Notification No 534-I B, dated the 12th March 1909, for the words "Chief Commissioner" substitute the words "Governor of Assam in Council"

[Notification No 534-I, dated the 26th September 1929

subjects, (b) persons tried jointly. — *Gazette of India*, 1929, Pt I, p 1085]
Political Agent for the time being shall exercise the powers of a Magistrate of the first class under the Code of Criminal Procedure, 1898 (V of 1898) There being no Court of Sessions having jurisdiction in respect of cases of this class in Manipur, appeals from sentences passed by the Political Agent in exercise of the said powers shall lie to the High Court, and if in any case the Political Agent is of opinion that the offence cannot be adequately punished by him and that the accused should be committed, the commitment shall be made to the High Court

II Except in the case referred to in the foregoing paragraph, and in cases in which only natives of the Lushai, Chin, or Naga Hills are concerned, in all cases in which a British subject is either an accused or a complainant, or which arise within the limits of the British Reserve —

- (1) The Political Agent, Manipur, for the time being shall exercise the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898
- (2) The ¹[Governor of Assam in Council] for the time being shall exercise the powers of a Court of Sessions and a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Political Agent, Manipur, provided that the Political Agent shall not commit any accused person for trial to the Chief Commissioner acting as a Court of Session
- (3) The ¹[Governor of Assam in Council] for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which the jurisdiction of a Court of Session is exercised by the Political Agent, Manipur
- (4) In the exercise of the jurisdiction of a Court of Session conferred on him by clause II (2) of this notification, the Political Agent, Manipur, may take cognizance of an offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall when so taking cognizance of any offence

¹ Substituted by Notification No 491-I dated the 18th July, 1929 *Gazette of India*, 1929, Pt I, p 919

² Printed *infra*, p 25

follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of variant cases by Magistrates.

- (5) The Political Agent, Manipur, is empowered to make over to the Manipur State authorities for trial, any case in which only Manipuri subjects are concerned of which he has taken cognizance under the jurisdiction vested in him by this notification

[*Gazette of India*, 1909, Pt I, p 202]

British Civil Courts in the Manipur State

No. 535-I. B, dated the 12th March, 1909 —Printed *supra*, p 13.

Courts in British India empowered to send decrees¹ to the Court of the Political Agent, Manipur, for service and execution

No 788-I B, dated the 9th April, 1913 —Printed in Appendix XXI-A.

Service and execution by the Court of the Political Agent, Manipur, of summonses and decrees—(a) of Civil or Revenue Courts in British India, (b) of other Courts established or continued by the Governor General in Council, (c) of certain Courts in Indian States

No 322-I, dated the 15th May, 1929 —Printed in Appendix XXI-A.

Service of summonses and execution of decrees of the Political Agent, Manipur,² by other Courts established or continued by the Governor General in Council

No 322-I, dated the 15th May, 1929 —Printed in Appendix XXI-A.

Service of summonses and execution of decrees of the Political Agent Manipur, by Civil Courts of the Baroda and Mysore States

No 398-I B, dated the 25th February, 1910 —Printed in Appendix XXI-C

No. 2622-I B, dated the 24th December, 1912 —Printed in Appendix XXI-C

No 2623-I B, dated the 24th December, 1912 —Printed in Appendix XXI-C

¹ As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908 (V of 1908), read with clause (1) of Notification No 322-I, dated the 15th May, 1929 Printed in Appendix XXI-A

² As a Court established by the Governor General in Council, the Court of the Political Agent can send its summonses and decrees to Courts in British India for service and execution under sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908)

Remission of fees chargeable on decrees of Baroda Courts

No 2266-I B, dated the 11th October, 1916. - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to, or as in force in, the areas specified in the Schedule hereto annexed, the Governor General in Council is pleased to remit the fees chargeable under the said Act, on copies of decrees of ¹[Civil Courts] situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in the said areas for execution

SCHEDULE

* * * * *

7 The British Reserve, Manipur, as defined in the notification of the Government of India in the Foreign Department, No 533-I B,² dated the 12th March, 1909

* * * * *

[*Gazette of India*, 1916, Pt I, p 1519]

¹ Substituted by Notification No 3180-I B, dated the 4th October, 1918
Gazette of India, 1918, Pt I, p 1593

² See now Notification No 490-I, dated the 18th July, 1929 Printed *infra*, p 25

VII.—Orders under Special Laws.

INDIAN ELECTRICITY ACT, 1910

*Application of certain provisions of the Indian Electricity Rules, 1922,
to part of Myllem State*

No 2479/467-Int , dated the 5th December, 1922 —In exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), as applied to a part of the State of Myllem in the Khasi and Jaintia Hills by the notification¹ of the Government of India in the Foreign and Political Department, No 1800-467-Internal, dated the 23rd August, 1922, the Governor General in Council is pleased to direct that rules 1 to 68 and 103 to 109 of the Indian Electricity Rules, 1922, and the Annexures I to VIII thereto, shall be deemed to be rules made under the said section of the said Act as so applied —(Government Notification No 6201-A P , dated the 16th December, 1922, published at page 1510, Part II, of the Assam Gazette dated the 20th December, 1922)

[*Gazette of India*, 1922, Pt I, p 1463]

¹ Printed *supra*, p 8

BRITISH RESERVE, MANIPUR

The British Reserve is defined by the following notification —

No 490-I, dated the 18th July, 1929 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased, in supersession of the notification of the Government of India in the Foreign and Political Department, No 173-I, dated the 27th March, 1929, to apply the following enactments to the British Reserve, Manipur, as hereinafter defined, in so far as the same may be applicable thereto and subject to any amendments to which the enactments are for the time being subject in British India, namely —

- (1) The Indian Penal Code (Act XLV of 1860)
- (2) The Foreigners Act, 1864 (III of 1864)
- (3) The Cattle Trespass Act, 1871 (I of 1871)
- (4) The Indian Arms Act, 1878 (XI of 1878)
- (5) The Prevention of Cruelty to Animals Act, 1890 (XI of 1890)
- (6) The Code of Criminal Procedure, 1898 (Act V of 1898)
- (7) The Indian Extradition Act, 1903 (XV of 1903)
- (8) The Whipping Act, 1909 (IV of 1909)
- (9) The White Phosphorus Matches Prohibition Act, 1913 (V of 1913).
- (10) The Cinematograph Act, 1918 (II of 1918).
- (11) The Indian Soldiers Litigation Act, 1925 (IV of 1925)

2 The powers of a Local Government under the aforesaid Acts shall be exercised by the Governor of Assam in Council

3 The British Reserve, Manipur, shall consist of—

(a) All lands comprised within the following boundaries.—

Commencing from cantonment boundary pillar No 1, which is on the left bank of the Nag Nullah near the north-west corner of the Pat the line runs due west to the Nag Nullah, then down the Nullah to its junction with the Nambol river, then down the Nambol river to reserve pillar No 1, which is placed on the left bank close to where a large drain, or cut, falls into the river, then up this drain, or cut, which for the whole distance skirts the compounds of the Manipur State Jail, State Military Police Hospital and State Civil Police lines to the main road to Thobal, where pillar No 2 is placed, then along this road in the direction of Thobal to pillar No. 3 on the right bank of the

Imphal river at the point where the road first meets it; then up the river to the bridge which crosses the road forming the southerly boundary of the Pat. Then along the Cantonment boundary to Cantonment boundary pillar No 6, then eastward along the northern side of the road for 700 feet to pillar No 5. Then northwards to pillar No 6, then by pillars 7, 8, 9 and 10, including the Muhammadan burial ground to the Imphal river, thence down the river to Cantonment boundary pillar No 7 situated on the left bank and close to the Minuthong bridge near the north-east corner of the Pat.

From pillar No 7 the boundary crosses the river Imphal a second time, and passes alongside of the Minuthong bridge running almost due west to pillar No 8.

The line then runs along the east side of the river *bund*, thus including it (the *bund*) in cantonments and more or less follows the right bank of the river up to pillar No 17.

The boundary here takes an easterly direction, and still closely follows the right bank of the Imphal river.

Then again the line runs in a northerly direction to pillar No 20.

The boundary here runs west, following an old existing *bund* on its south side and about 50 feet from it.

Then the line follows the *bund*, running west and crosses the Nag Nullah to pillar No 22, which is situated about 140 feet from the right bank of the Nullah.

Here the line continues its westerly direction and crosses the Nichuguard-Manipur cart-road to pillar No 23, which is about 300 feet east of the 750 yards firing platform.

The boundary now runs nearly due north, and also forms the east lateral limits of the rifle range running about 300 feet east of the central line of existing range road to pillar No 24, which is situated on the Chingmeiong hill.

The boundary now forms the north limit of the rifle range, the line running about 380 feet behind the targets to pillar No 25.

Here the boundary runs due south, forming the western limit of the rifle range, to pillar No 26, situated nearly due west of the 800 yards firing platform and 300 feet from its centre.

The boundary then crosses the Thangmeiband road to pillar No 27, which is situated 80 feet east of the centre of the road.

The Cantonment boundary line runs due south to pillar No 28, which is situated about 75 feet from the centre of the road

The line still continues its southerly course to pillar No 29 which is situated about 75 feet from the centre of the Thangmeiband road and north-west of pillar No 1

From pillar No 29 the line running in a south-easterly direction meets pillar No 1 and

(b) all lands within the Kangrupkul estate included within the ring fence

[*Gazette of India* 1929 Pt I, p 918]

The British enactments in force in the British Reserve are identical with those noted, *supra*, as being in force in the Manipur State under the head of—

I.—Statutes

II.—Acts of the Governor General in Council and of the Indian Legislature.

III.—Orders under Statutes

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature, and

V.—Orders relating to Courts

The remaining enactments in force consist of—

VI.—Acts locally applied

Civil laws

No 535-I B, dated the 12th March, 1909 —Printed *supra*, page 13.

Application of the Epidemic Diseases Act, 1897

No. 443-I. A, dated the 4th February, 1897 —Printed in Appendix XVIII.

Page 29 —After the last entry, insert the following —

No 525-I, dated the 7th August 1929 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to apply the Identification of Prisoners Act, 1920 (XXXIII of 1920) and, unless otherwise declared by the Governor of Assam in Council, all notifications, orders and rules made from time to time thereunder, to the British Reserve in Manipur, in so far as the same may be applicable, subject to the modifications specified below and to any amendments to which the said Act is for the time being subject in British India

Modifications

(1) Sub-section (2) of section 1 shall be omitted

(2) In section 7 for the words "the District Magistrate or Sub-divisional Officer" the words "the Political Agent in Manipur" shall be substituted

(3) Reference to the Local Government in sub-section (1) of section 8 shall be read as referring to the Governor of Assam in Council

[*Gazette of India*, 1929, Pt I, p 986]

No 558-I, dated the 4th September 1929 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to apply the Indian Motor Vehicles Act, 1914 (VIII of 1914) and, unless otherwise declared by the Governor of Assam in Council, all notifications, orders and rules made from time to time thereunder, to the British Reserve in Manipur, in so far as the same may be applicable, subject to the modifications specified below and to any amendments to which the said Act is for the time being subject in British India

Modifications

1 References to the Local Government and the local official Gazette shall be read as referring to the Governor of Assam in Council and to the Assam Gazette, respectively

2 Sub-section (3) of section 1 shall be omitted

3 In section 17, for the words "inferior to that of a Presidency Magistrate or a Magistrate of the second class" the words "save the Court of the Political Agent in Manipur" shall be substituted

[*Gazette of India*, 1929, Pt I, p 1049]

SHILLONG (RIFLE RANGE) CANTONMENT

The Shillong (Rifle Range) Cantonment is part of the Mylhem State Provision for its administration is made by the following notification —

No 529-I , dated the 2nd October, 1928 —Whereas, under the authority vested in them by Clause III of the Sanad granted to the Siem of Mylhem, the Government of Assam have occupied, for Cantonment purposes, the area in the Mylhem State described in the annexed Schedule (hereinafter referred to as the said area) and whereas by such occupation jurisdiction in that area is vested in the British Government,

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign and Political Department, No 541-I , dated the 12th October, 1927, the Governor General in Council is pleased to apply the Cantonments Act, 1924 (II of 1924) to the said area with the following modifications, namely —

1 References to the Local Government shall be read as references to the Governor of Assam in Council

2 For sections 3 to 5 the following section shall be substituted, namely —

“ 3 (1) The area described in the Schedule to the notification of the Government of India in the Foreign and Political Department, No 529-I , dated the 2nd October, 1928, shall be a cantonment designated the Shillong (Rifle Range) Cantonment

(2) Every officer or authority for the time being appointed or constituted in accordance with the Cantonments Act, 1924, as in force in British India, to exercise powers or discharge duties within the cantonment of Shillong shall exercise the like powers and discharge the like duties in accordance with this Act within the Shillong (Rifle Range) Cantonment and shall be deemed to have been duly appointed or constituted in accordance with this Act

(3) All enactments for the time being in force throughout the Cantonment of Shillong and all such notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder as are in force in the Cantonment of Shillong shall, so far as may be, be in force in the Shillong (Rifle Range) Cantonment ”

SCHEDULE OF THE DETACHED AREA KNOWN AS THE SHILLONG CANTONMENT RANGE

NOTE 1—This area lies about half a mile to the West of Labab Village, and about the same distance South of the Umjasai River as it runs from West to East from Cantonment Boundary Pillar No 37

It is nowhere contiguous with the Boundaries of the Shillong Cantonment.

NOTE 2—No 1 Boundary Pillar is situated at a bearing of 313° and at a distance of 420 feet from the centre of the 400^x firing point on the main range through which the Ummaolong Stream flows and at a bearing of 243° and at a distance of 565 feet from the centre of the 600^x firing point on the same range

Magnetic variation when this Boundary was surveyed—in 1926—was $0^{\circ} 15''$ West

Boundaries of the detached area.

Pillars	Pearing Magnetic	From North.	Direct horizontal distance
	Degrees	Minutes	in feet.
<i>Pillar No 1 to Pillar No 2</i> —The boundary runs from Pillar No 1 in a N Wly direction crossing the head of a nala, to Pillar No 2, which is situated on a spur across this nala	308	18	335
<i>Pillar No 2 to Pillar No 3</i> —Thence it veers slightly more Northwards and descends a thickly wooded slope until it reaches a stream at Pillar No 3	317	12	391
<i>Pillar No 3 to Pillar No 4</i> —The boundary is formed by the stream between these two pillars and runs in a S Wly direction Pillar No 4 is in mid stream	219	42	830
<i>Pillar No 4 to Pillar No 5</i> —Thence it turns sharp S E to pillar No 5 situated at the foot of a steep hill	144	48	61
<i>Pillar No 5 to Pillar No 6</i> —Thence the boundary again turns sharp S W with a slight diagonal ascent	238	12	113
<i>Pillar No 6 to Pillar No 7</i> —From pillar No 6 the slight diagonal ascent is continued but almost due South	187	24	164
<i>Pillar No 7 to Pillar No 8</i> —The boundary thence continues in the same line for a distance of 40 feet whence it curves S W to Pillar No 8 situated in the centre of a nala 50 feet to the S E of the S corner of a disused range butt	212	6	208
<i>Pillar No 8 to Pillar No 9</i> —Thence to the S corner of this butt and along to Pillar No 9 in the centre of the S W side of the butt	324	48	138
<i>Pillar No 9 to Pillar No 10</i> —The boundary thence turns a right angle to run S W straight up a steep slope for a distance of 150 feet thence turning South to follow a spur for 180 feet up to Pillar No 10	205	48	300
<i>Pillar No 10 to Pillar No 11</i> —Thence under the brow of this spur in a curve, for 95 feet to the S E and 60 feet almost South	141	54	150
<i>Pillar No 11 to Pillar No 12</i> —Thence S W to Pillar No 12, situated on the crest of the spur	238	54	120

Pillars Bearing Magnetic From North Direct horizontal

No 4

Page 33 —In Notification No 529-I , dated the 2nd October 1928, in the Schedule, for the entries relating to pillars Nos 18 to 19, 21 to 22 and 22 to 23, substitute the following —

Pillars	Bearing from Magnetic North		Direct horizontal distance in feet
	Degrees	Minutes	
Pillar No 18 to pillar No 19 The boundary here veers north east, descends, a steep slope to cross a nala down which the Wahjalynnoh branch of the Ummaolong stream flows and ascends a steep slope to the north east of this stream to pillar No 19 which is situated in a clearing in a thick wood	75	51	850
Pillar No 21 to pillar No 22 The boundary runs in a north westerly direction along Kench's Trace to pillar No 21 A, thence in a direct line to pillar No 21-B situated on Kench's Trace, thence along Kench's Trace, through pillar No 21C, to pillar No 21D, thence in a direct line to pillar No 22 which is situated on the west bank of the Ummaolong stream just north of the 250 yards firing point of the rifle range	326	30	680
Pillar No 22 to pillar No 23 The west bank of the Ummaolong stream forms the boundary between these two pillars	5	30	1,440

[Notification No 32-I , dated the 2nd January 1930

Gazette of India, 1930, Pt I, p 3]

course of the Ummaolong stream forms the boundary between these two pillars, Pillar No 23 is situated about 340 feet along the stream from the point where the stream changes its course from N to N W on the W bank of the stream 9 54 1,782
Pillar No 23 to Pillar No 24 —The boundary hence turns abruptly and runs S W on to the lower crest of a spur 203 42 200
Pillar No 24 to Pillar No 25 —Thence in the same line up and across a nala running to the S E of this spur 203 42 200
Pillar No 25 to Pillar No 1 —Thence in the same line up the side of a spur to the S E of this nala, to Pillar No 1 203 12 240

[Gazette of India, 1928, Pt I, p 830]

CHAPTER II —BENGAL.

The Cooch Behar and the Tripura States are in political relations with the Government of India through the Governor of Bengal in Council. Both the Ruling Princes possess full jurisdiction.

The relations of Cooch Behar and Tripura with the Government are conducted through their respective Political Agents. The Commissioner of the Rajshahi Division is *ex-officio* Political Agent for the Cooch Behar State and the Magistrate and Collector, Tippera, is *ex-officio* Political Agent for the Tripura State. In Cooch Behar there is a Vice-President of the State Council who is an officer lent to the State from the British service.

There are no Administered Areas in either State.

The railway lands in Cooch Behar are included in the Eastern Division of Railways enumerated in Volume VIII. Jurisdiction has been ceded in some cases.

STATES IN BENGAL

The following British enactments are in force in the States in Bengal.—

I.—Statutes.¹

II.—Acts of the Governor General in Council² and of the Indian Legislature.—*See Appendix II*

III.—Orders under Statutes.

53 and 54
Vict., c 37

The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See Appendix I*

5 and 6 Geo.
V, c 61

No. 580-D, dated the 26th January, 1917 —(Jurisdiction of High Courts over European British subjects) —*See Appendix IV*

¹ Not enumerated *See the Preface to this edition, paragraph 4*

² The Tipura State has adopted the provisions of the Indian Motor Vehicles Act, 1914, as a State Law and reciprocity in the matter of licensing and registration has been established between the State and the Presidency of Bengal

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Appointment of the Vice-President of the Regency Council, Cooch Behar State, to be a Marriage Registrar

No 472-P D , dated the 24th May 1929 —In exercise of the power conferred by section 8 of the Indian Christian Marriage Act, 1872 (XV of 1872), as applied to the Governor in Council of the Presidency of Fort William in Bengal by the notification of the Government of India in the Foreign Department No 2033-I B , dated the 26th September, 1912, and in supersession of Political Department Notification No 1562-P D , dated the 4th June, 1913, the Governor in Council is pleased to appoint the Vice-President of the Regency Council, Cooch Behar State, for the time being, if he is a Christian to be *ex-officio* a Marriage Registrar in respect of that State

[*Calcutta Gazette*, 1929, Pt I, p 982]

Appointment of the Registrar-General of Births, Deaths and Marriages in Bengal to be the officer to whom the Marriage Registrar in the Cooch Behar State shall send certificates

No 1563-P D , dated the 4th June, 1913 —In exercise of the power conferred by section 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), as applied to the Governor in Council of the Presidency of Fort William in Bengal by the notification¹ of the Government of India in the Foreign Department, No 2033-I B , dated the 26th September, 1912, the Governor in Council is pleased to appoint the Registrar-General of Births, Deaths and Marriages in Bengal to be the officer to whom the Marriage Registrar in the Cooch Behar State shall send the certificates-mentioned in section 54 of the said Act

[*Calcutta Gazette*, 1913, Pt I, p 865]

Fees and Rules, Cooch Behar

No 1564-P D , dated the 4th June, 1913 —In exercise of the power conferred by section 84 of the Indian Christian Marriage Act, 1872 (XV of 1872), as applied to the Governor in Council of the Presidency of Fort William in Bengal by the notification¹ of the Government of India in the Foreign Department, No 2033-I B , dated the 26th September,

¹ See now section 86 of the Act as amended by the Devolution Act, 1920 (XXXVIII of 1920)

1912, the Governor in Council is pleased to declare that, subject to the following modification, rules 1 to 3 (1) [inclusive], 6 and 8 of the rules issued under sections 82 and 83 of the said Act, and published with the notification¹ of the General Department of this Government, No 6749, dated the 30th November, 1912, and the fees chargeable under the said Act fixed by rule 2 of the said rules shall apply to the Cooch Behar State

MODIFICATION

In column 5 of the table included in rule 2, for the words " Government Treasury " read " local treasury "

[*Calcutta Gazette*, 1913, Pt I, p 865]

EUROPEAN VAGRANCY ACT, 1874

Provisions brought into force in States in Bengal

No 4829, dated the 20th October, 1870 —In the exercise of the power vested in him by the last clause of section 2 of the European Vagrancy Act, 1869, His Excellency the Governor General in Council is pleased to extend sections 4 to 16 (both inclusive), 19, 20, 24 and 29 of the said Act to the Madras Presidency and the Lower Provinces of the Bengal Presidency, as well as to the dominions of Princes and States in alliance with Her Majesty situated within the limits of the Madras Presidency and the Lower Provinces, with effect from the date of the republication² of this notification in the respective local *Gazettes* of the Governments of Madras and Bengal

[*Gazette of India*, 1870, Pt I, p 723]

INDIAN ARMS ACT, 1878

Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into, British India

No F.-829-1-22, dated the 3rd November, 1923 —(The Indian Arms Rules, 1924) —Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

Rules and Fees.

No. 848, dated the 4th February, 1913 —Not re-printed.

[*Calcutta Gazette*, 1913, Pt I, p 209]

¹ *Calcutta Gazette*, 1912, Pt I, p 1881

² This notification was republished in the *Calcutta Gazette* of the 2nd November, 1870

PRISONERS ACT, 1900

Reception of prisoners from Cooch Behar in Bengal Jails outside Calcutta

No. 1648-P dated the 1st August 1906 —The Lieutenant-Governor is pleased under sub-clause (ii) of clause (b) of sub-section (I) of section 15 of the Prisoners Act, 1900 (III of 1900) to authorize officers in charge of prisons in Bengal outside the Presidency-Town of Calcutta to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal in the territories of His Highness the Maharaja of Cooch Behar of which the Superintendent of the State is a member

[Calcutta Gazette, 1906, Pt I, p 1638]

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees

No 341, dated the 11th August, 1904 —Printed in Appendix VII

INDIAN EXTRADITION ACT, 1903

Appointment of Political Agent for Cooch Behar.

No 11425-P, dated the 29th November, 1923 —The Commissioner of the Rajshahi Division is appointed to be *ex-officio* Political Agent, Cooch Behar State

[Calcutta Gazette, 1923, Pt I, p 1826]

Offences under the Criminal Tribes Act declared to be extradition offences

No 4806-I B, dated the 17th November, 1919 —Printed in Appendix VIII

Rules under the Act, except in areas in States under British jurisdiction

No 1862-I A, dated the 13th May, 1904 —Printed in Appendix VIII

INDIAN UNIVERSITIES ACT, 1904

Inclusion of States in Bengal in the territorial limits of the Calcutta University

No 717, dated the 20th August, 1904 —Printed in Appendix IX

CODE OF CIVIL PROCEDURE, 1908

*Authority to sanction institution of suits, and execution of decrees,
against Chiefs of Cooch Behar and Tripura.*

No 749-I B , dated the 27th March, 1912 —Printed in Appendix X.

OFFICIAL TRUSTEES ACT, 1913

*States in Bengal included in Presidency of Bengal for purposes of the
Act.¹*

No 1450-D , dated the 19th March, 1914 —Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913

*States in Bengal included in Presidency of Bengal for purposes of the
Act ²*

*No 1449-D., dated the 19th March, 1914 —Printed in Appendix
XIII*

Exercise of the powers and duties of a District Judge under the Act

*No 3542-I , dated the 27th August, 1891 —Printed in Appendix
XIII*

¹ For Official Trustees (Bengal) Rules, 1914, see Notification No 1826-C, dated the 13th March, 1914 *Gazette of India*, 1914, Pt I, p 385

² For Administrator-General's (Bengal) Rules, 1914, see Notification No 1825-C, dated the 13th March, 1914 *Gazette of India* 1914, Pt I, p 369

V—Orders relating to Courts.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India

No 1431-I , dated the 27th April, 1893 —Printed in Appendix XIX

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A , dated the 13th May 1904 —Printed in Appendix IV

Jurisdiction of the High Court at Calcutta over European British subjects

No 580-D , dated the 26th January, 1917 —Printed in Appendix IV

Justices of the Peace to commit for trial to the High Court having jurisdiction

No 582-D , dated the 26th January, 1917 —Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D., dated the 16th January, 1917 —Printed in Appendix IV

Appointment of Justice of the Peace, Cooch Behar.

No. 610-I , dated the 23rd December, 1926 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to appoint Lieutenant-Colonel W G. Hutchinson, I A , O B E , Vice-President, Regency Council, Cooch Behar State, being a European British subject, to be a Justice of the Peace within the State of Cooch Behar

[*Gazette of India*, 1926, Pt I, p 1371]

Execution of decrees of Civil and Revenue Courts of Cooch Behar by Courts in British India

No. 321-I., dated the 15th May, 1929 —Printed in Appendix XXI-B.

Execution by Civil Courts of Cooch Behar of decrees of Civil Courts in British India

No. 321-I., dated the 15th May, 1929 —Printed in Appendix XXI-B

Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army.

Letter of the Government of India, No 1389-I. A , dated the 18th April, 1905 —Printed in Appendix XX

CHAPTER III—BIHAR AND ORISSA.

The States in political relations with the Government of Bihar and Orissa are —

Agency	States in Orissa	
Orissa Feudatory States	Athgarh	Murubhanj
	Athmallik	Narsingpur
	Bamra ¹	Naragarh
	Baramba	Nilgiri
	Baud	Pal Lahara
	Bonai ²	Patna ³
	Daspalla	Ranakhhol ⁴
	Dhenkanal	Ranpur
	Gangpur ²	
	Hindol	
	Karond ¹	Sonpur ¹
	(Kalahandi)	
	Keonjhar	Talcher
	Khandpara	Tigiria
	States in Chota Nagpur	
	Seraikela ⁵	Khaisawan

The Chiefs of Bamra, Kalahandi, Patna, Ranakhhol and Sonpur have by the terms of their *Sanads*⁴ full jurisdiction "in all matters whether criminal, civil or revenue" subject to the proviso that sentences of death require the confirmation of the Governor of Bihar and Orissa in Council. Also, in these, as in all the other States, the political authorities possess⁵ the usual criminal jurisdiction in respect of British subjects, Europeans, Americans and Government servants.

The *sanads*⁶ of the remaining Chiefs provide that the administration of justice shall conform to the instructions of the Governor of Bihar and Orissa in Council. The powers ordinarily exercised by such Chiefs are limited to sentences of two years' imprisonment, fine of Rs. 1,000 and whipping up to 30 stripes, except that the Chiefs of Bonai and Gangpur can ordinarily pass sentences of five years' imprisonment and fine up to Rs. 200 only with the proviso that any sentence exceeding two years' imprisonment or Rs. 50 fine must be referred to the Political Agent and Commissioner for confirmation.

Certain Chiefs have been invested with the powers of a Sessions Judge and of a District Magistrate under section 30 of the Criminal

¹ Transferred from the political control of the Chief Commissioner of the Central Provinces in 1905, the change of authority in general respects being provided for by Notification No. 768-C-425-Intl, dated the 1st April, 1922. *Gazette of India*, 1922, Pt. I, p. 331.

² Transferred from the Chota Nagpur Agency in 1905.

³ Transferred to the Orissa Agency in 1922.

⁴ *Treaties*, 4th Edition, Volume I, pages 360—365.

⁵ This is part of the prerogative of the Paramount Power and is universal in Indian States but provision has not been made for its exercise except as regards European British subjects.

⁶ *Treaties*, 4th Edition, Volume I, pages 319—336.

Procedure Code Such powers, however, are personal to the present Chiefs, who are required to refer sentences of death to the Political Agent and Commissioner for confirmation

There are no Administered Areas in these States The various railways are included in the Eastern Division of railways in the classification in Volume VIII.

STATES IN ORISSA

The following British enactments are in force in the States in Orissa —

I —Statutes ¹

II —Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II

III.—Orders under Statutes —*See infra*, page 46

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See infra*, page 46

V —Orders relating to Courts —*See infra*, page 51

¹ Not enumerated *See* Preface to this edition, paragraph 4

III.—Orders under Statutes.

53 and 54
Vict., c. 37. The Indian (Foreign Jurisdiction) Order in Council, 1902—See Appendix I

5 and 6 Geo
V, c. 61 No 580-D, dated the 26th January, 1917.—(Jurisdiction of High Courts over European British subjects)—See Appendix IV

IV—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Appointment of Marriage Registrars. Marriage certificates to be sent to the Registrar General of Births, Deaths and Marriages for Bihar and Orissa

No 2571-P, dated the 24th March, 1922—In exercise of the powers under the Indian Christian Marriage Act, 1872 (XV of 1872), delegated to the Local Government by the Government of India in the notification¹ of the Government of India in the Foreign Department, No 2033-I B, dated the 26th September, 1912, and in supersession of the notifications mentioned in the margin the Governor in Council is pleased to appoint the person for the time being holding the office designated in the first

*Notification of the Government of India in the Foreign Department, No 4368-I B, dated the 20th October, 1905 column of the following schedule, and being a Christian, to be Marriage Registrar for the local areas mentioned opposite his designation in the second column of the schedule respectively.—

Notification of the Government of Bihar and Orissa, No 685-P, dated the 10th March, 1913, and No 4270-P, dated the 30th October, 1916

SCHEDULE

Office	Local areas
Assistant Political Agent for the Orissa Feudatory States	Athgarh, Athmalik, Bamra, Baramba, Baud, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi (Karond), Keonjhar, Khandpara, Kharsawan, Mayurbhanj, Narsingpur, Nayagarh, Nilgiri, Pal Lahara, Patna, Ranpur, Rairakhol, Seraikela, Sonpur, Talcher, Tigiria

¹ See now section 86 of the Act, as substituted by the Devolution Act, 1920 (XXXVIII of 1920)

2 The Governor in Council is also pleased under section 54 of the said Act to appoint the Registrar General of Births and Deaths and Marriages for Bihar and Orissa to be the officer to whom the said Marriage Registrar shall send the certificates mentioned in section 54 of the said Act

[*B and O Gazette*, 1922 Pt II, p 252]

No 930-I, dated the 28th February, 1889—In exercise of the powers conferred by section 8 of the Indian Christian Marriage Act, XV of 1872, the Governor General in Council is pleased to appoint the Christian Missionary in charge of the Moharibhanj Settlement, for the time being, to be a Marriage Registrar in respect of the Moharibhanj State

[*Gazette of India*, 1889, Pt I, p 132]

Fees and Rules

No 1586-E dated the 29th August, 1892—Printed in Appendix V

EUROPEAN VAGRANCY ACT, 1874

Provisions brought into force

No 4829, dated the 20th October, 1870—Printed *supra*, page 38

INDIAN ARMS ACT, 1878

Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into, British India

No. F 829-I-22, dated the 3rd November, 1923—The Indian Arms Rules, 1924—Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Appointment of (a) Registrar of Births and Deaths, (b) Registrar General for Bihar and Orissa to be Registrar General

No 4370-I B, dated the 20th October, 1905—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to appoint the person for the time being holding the office designated in the first column of the following schedule to be Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (I), clause (b) of the said Act, for the local areas

mentioned opposite his designation in the second column of that schedule, respectively.

Office	Local areas
¹ [Assistant Political Agent for the Orissa Feudatory States]	² [Athgarh, Athmalik, Bamra, Baramba, Baud, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi (Karond), Keonjhar, Khandpara, Kharsawan, Mayurbhanj, Narsingpur, Nayagarh, Nilgiri, Pal Lahara, Patna, Ranpur, Rairakhol, Seraikela, Sonpur, Talcher, Tigiria]

II For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for '[Bihar and Orissa], to be the Registrar-General for the said local areas ¹

[*Gazette of India*, 1905, Pt I, p 741]

Rules and fees

No 1173, dated the 19th July, 1888 —Printed in Appendix VI

LEPERS ACT, 1898

Lepers from the Feudatory States to be sent to the Leper Asylum at Cuttack

No 2467-G, dated the 25th September, 1919 —In exercise of the power conferred under section 19 of the Lepers Act, 1898 (III of 1898), the Governor General in Council is pleased to direct that any leper or class of lepers, with respect to whom an order for segregation and medical treatment has been made by a Magistrate having jurisdiction within the Feudatory States of Orissa named below may be sent to the Leper Asylum at Cuttack —

1 Athgarh	9 Gangpur	17 Nilgiri
2 Athmalik	10 Hindol	18 Pal Lahara
3 Bamra	11 Keonjhar	19 Patna
4 Baramba	12 Khandpara	20 Ranpur
5 Baud	13 Kalahandi	21 Rairakhol
6 Bonai	14 Mayurbhanj	22 Sonpur
7 Daspalla	15 Narsingpur	23 Talcher
8 Dhenkanal	16 Nayagarh	24 Tigiria

[*Gazette of India*, 1919, Pt I, p 1931]

¹ Substituted by Notification No 2572-P, dated the 24th March 1922 *B and O Gazette*, 1922, Pt II, p 253

² Substituted by Notification No 139-D, dated the 16th November, 1916 *Gazette of India*, 1916, Pt I, p 1744

³ Substituted by Notification No 735-D, dated the 19th March, 1913 *Gazette of India*, 1913, Pt I, p 257

⁴ The same provision is now made by the proviso to section 24 (2) of the Act added by the Devolution Act, 1920 (XXXVIII of 1920)

INDIAN FOREIGN MARRIAGE ACT 1903

Fees

No 341, dated the 11th August, 1904.—Printed in Appendix VII

INDIAN EXTRADITION ACT, 1903

Assistant Political Agent, Orissa Feudatory States invested with powers of a Political Agent under the Act for the Feudatory States

No 768-F-425-Intl, dated the 1st April, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of such portion of the Notification of the Government of India in the Foreign Department, No 3441-I B, dated the 17th August, 1906, as refers to the States and Mahals mentioned hereunder, the Governor General in Council is pleased to appoint the person holding for the time being the appointment of Assistant Political Agent for the Orissa Feudatory States to exercise for the purposes of the Indian Extradition Act, 1903 (XV of 1903), the powers of a Political Agent for the following States, Tributary States and Tributary Mahals, namely —

Athgarh, Athmalik, Bamra, Baramba, Baud, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi (Kaland), Keonjhar, Khandpara, Kharsawan, Mayurbhanj, Narsingpur, Nayagarh, Nilgiri, Pal Lahera, Patna, Rangpur, Rairakhhol, Seraikela, Sonpur, Talcher and Tigiria

[*Gazette of India*, 1922, Pt I, p 381]

Offences under the Criminal Tribes Act declared to be extradition offences

No 4806-I B, dated the 17th November, 1919 —Printed in Appendix VIII

¹*Rules under the Act, except in areas in States under British jurisdiction*

No 1862-I A, dated the 13th May, 1904 —Printed in Appendix VIII

INDIAN UNIVERSITIES ACT, 1904

Inclusion of the Feudatory States in the territorial limits of the Calcutta University

No 717, dated the 20th August, 1904 —Printed in Appendix IX

¹ There are interstate rules to regulate extradition between Bamra, Bonai, Gangpur, Kalahandi, Patna, Rairakhhol and Sonpur

CODE OF CIVIL PROCEDURE, 1908

*Authority to sanction institution of suits, and execution of decrees,
against Chiefs in Orissa*

No 749-I B , dated the 27th March, 1912 —Printed in Appendix X.

OFFICIAL TRUSTEES ACT, 1913

Inclusion of States in the Presidency of Bengal for purposes of the Act.

No 1450-D , dated the 19th March, 1914 —Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913

Inclusion of States in the Presidency of Bengal for purposes of the Act.

No 1449-D , dated the 19th March, 1914 —Printed in Appendix
XIII.

Exercise of the powers and duties of a District Judge under the Act.

No. 3542-I , dated the 27th August, 1891 —Printed in Appendix
XIII.

INDIAN INCOME-TAX ACT, 1922

*Modification of income-tax when income-tax has been charged both in
British India and in the Mayubhanj State*

No 25, dated the 1st July, 1926 —Printed in Appendix XV.

V—Orders relating to Courts.

*Execution of capital sentences in British India**No 1431-I, dated the 27th April, 1893* —Printed in Appendix XIX*Jails to which warrants for the execution of capital sentences passed in the Feudatory States are to be sent*

No 2573-P, dated the 24th March, 1922 —In exercise of the powers conferred on him by para 2 of the notification¹ of the Government of India in the Foreign Department, No 1431-I, dated the 27th April, 1893, and by section 18 of the Prisoners Act, 1900 (III of 1900), and in pursuance of the general authority which has been conveyed to him in accordance with the provisions of the aforesaid section by the Governor General in Council, the Governor in Council is pleased to direct that the Courts mentioned below shall send their warrants for the execution of capital sentences passed on offenders in the Feudatory States within their jurisdiction to the jails in British territory specified against their respective names, and that the Superintendents of such jails shall thereupon execute all such sentences —

Name of Court	Name of Jail to the Superintendent of which warrants are to be issued
Political Agent and Commissioner for the Orissa Feudatory States	Cuttack, Sambalpur, Balasore, Chaibassa or Ranchi
Assistant Political Agent for the Orissa Feudatory States	
Magistrate of Puri as <i>ex-officio</i> Assistant Superintendent of the Tributary Mahals	Cuttack
Magistrate of Balasore as <i>ex-officio</i> Assistant Superintendent of the Tributary Mahals	Balasore
Deputy Commissioner of Angul, as <i>ex-officio</i> Assistant Superintendent of the Tributary Mahals	Cuttack

[*B and O Gazette, 1922, Pt II, p 253*]*Criminal law and procedure of British India applicable to British subjects in Indian States**No 1863-I A, dated the 13th May, 1904* —Printed in Appendix IV.*Jurisdiction of the High Court over European British subjects**No 580-D, dated the 26th January, 1917* —Printed in Appendix IV.*Justices of the Peace to commit for trial to the High Court having jurisdiction**No 582-D, dated the 26th January, 1917* —Printed in Appendix IV.¹ Printed in Appendix XIX

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No. 319-D., dated the 16th January, 1917 —Printed in Appendix IV.

Appointment of Justices of the Peace

No 768-D.-425-Intl, dated the 1st April, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf and in supersession of the notifications of the Government of India in the Foreign Department, No 2920-I B, dated the 30th July, 1907, and in the Foreign and Political Department, No 138-D, dated the 16th November, 1916, the Governor General in Council is pleased to appoint the persons for the time being holding the offices specified in the first column of the schedule hereto annexed, being European British subjects, to be Justices of the Peace within the territories of the States mentioned in the second column of the schedule

SCHEDULE

Office	States
1 Political Agent and Commissioner for the Orissa Feudatory States	Athgarh, Athmallik, Bamra, Baramba, Baud, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi (Karond), Keonjhar, Khandpara, Kharsawan, Mayurbhanj, Narsingpur, Nayagarh, Nilgiri, Pal Lahera, Patna, Rangpur, Rairakhol, Seraikhehla, Sonpur Talcher, Tigriria
2 Assistant Political Agent for the Orissa Feudatory States	

[*Gazette of India*, 1922, Pt I, p 381]

Criminal law and procedure of British India to be observed by Political Officers in the exercise of their jurisdiction

No 1375-I. B, dated the 21st March, 1900 —In continuation of the notification of the Government of India in the Foreign Department, ¹No 3431-I, dated the 5th September, 1892, and in exercise of the jurisdiction and of the powers referred to therein, the Governor General in Council is pleased to declare that British officers in the exercise of any jurisdiction delegated to them within the Tributary Mahals of Orissa, or in advising the Chiefs, are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) so far as it is not inconsistent with any local law or custom or any order of the Lieutenant-Governor of Bengal in force for the time being

[*Gazette of India*, 1900, Pt I, p 187]

Criminal jurisdiction in Patna, Sonpur, Kalahandi, Rairakhol and Bamra

¹No 768-C-425-Intl, dated the 1st April, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf and in super-session of the notification of the Government of India in the Foreign Department, No 3447-I B, dated the 17th August, 1906, the Governor General in Council is pleased to direct that, with effect from the 1st April, 1922, the Assistant Political Agent for the Orissa Feudatory States, the Political Agent and Commissioner for the Orissa Feudatory States and the Governor of Bihar and Orissa shall exercise the powers² hitherto enjoyed in regard to the Feudatory States of Patna, Sonpur, Kalahandi, Rairakhol and Bamra, by the Political Agent, Orissa Feudatory States, the Commissioner of Orissa and the Government of Bihar and Orissa, respectively, with respect to any matters not otherwise provided for in separate notifications. These orders apply to all proceedings except proceedings pending on the first day of April, 1922, which should be carried on as if this notification had not been issued

[*Gazette of India*, 1922, Pt I, p 381]

No 248-I, dated the 1st June, 1926 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in modification of the orders contained in the Notification³ of the Government of India in the Foreign and Political Department, No 768-C-425-Intl, dated the 1st April, 1922, the Governor General in Council is pleased to direct that with effect from the 1st June, 1926, the Governor of Bihar and Orissa in Council shall in respect of all sentences of death passed by any competent Court in any of the Feudatory States of Patna, Kalahandi, Sonpur, Bamra and Rairakhol exercise the powers of a High Court, as described in Chapter XXVII of the Code of Criminal Procedure, 1898 (Act V of 1898), hitherto exercised by the Political Agent and Commissioner for the Orissa Feudatory States. These orders do not apply to proceedings pending on the first day of June, 1926, which should be carried on as if this notification had not been issued

[*Gazette of India*, 1926, Pt I, p 665]

Criminal jurisdiction generally in States in Orissa except Bamra, Kalahandi, Patna, Rairakhol and Sonpur

No 3431-I, dated the 5th September, 1892 —Whereas the Governor General in Council has in certain cases criminal jurisdiction within the

¹ This notification is modified by Notification No 248-I, dated the 1st June 1926, *infra*

² Cf footnote 5 on p 43, *supra*, and the paragraph to which it is appended

³ Printed immediately above

Tributary Mahals of Orissa ¹ [including the Tributary States of Gangpur and Bonai] In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879², and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases —

(1) Every Assistant Superintendent and *ex-officio* Assistant Superintendent of the Tributary Mahals of Orissa for the time being may exercise the power of a District Magistrate and of a Court of Session as described in the Code of Criminal Procedure, 1882 ³

(2) The Superintendent of the said Mahals for the time being shall exercise the powers of a Court of Session and High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by any Assistant Superintendent or *ex-officio* Assistant Superintendent of the Mahals. Provided that no Assistant Superintendent or *ex-officio* Assistant Superintendent shall commit an accused person for trial to the Superintendent acting as a Court of Session

(3) The Superintendent for the time being shall exercise the powers of a High Court, as described in the said Code, in respect of all offences over which the jurisdiction of a Court of Session is exercised by an Assistant Superintendent or *ex-officio* Assistant Superintendent

(4) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, an Assistant Superintendent or *ex-officio* Assistant Superintendent may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1882³, for the trial of warrant-cases by Magistrates

(5) A trial before an Assistant Superintendent or *ex-officio* Assistant Superintendent in the exercise of the jurisdiction of a Court of Session conferred on him by these orders may be without jury or the aid of assessors

(6) These orders apply to all proceedings, except—

- (a) proceedings against European British subjects, or person jointly charged with European British subjects, and
- (b) proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1892, Pt I, p 370]

¹ Inserted by Notification No 971-I B, dated the 15th March, 1907 *Gazette of India*, 1907, Pt I, p 223

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

³ See now the Code of Criminal Procedure, 1898 (V of 1898)

Powers of High Court and Court of Session in the Tributary Mahals including Gangpur and Bonai

No 768-A -425-Intl, dated the 1st April, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No 3446-I B dated the 17th August, 1906, the Governor General in Council is pleased to appoint the person holding for the time being the appointment of Political Agent and Commissioner for the Orissa Feudatory States to be Superintendent of the Tributary Mahals, Orissa, including the Tributary State of Gangpur and Bonai, and to declare that he shall exercise all the powers conferred on such Superintendent by the notification¹ of the Government of India in the Foreign Department No 3431-I dated the 5th September, 1892

[*Gazette of India*, 1922, Pt I, p 380]

Powers of District Magistrate and Court of Session in the Tributary Mahals including Gangpur and Bonai

No 768-E -425-Intl, dated the 1st April, 1922 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign and Political Department, No 3297-I B, dated the 8th July, 1919, the Governor General in Council is pleased to appoint the person holding for the time being the appointment of Assistant Political Agent for the Orissa Feudatory States to be an Assistant Superintendent of the Tributary Mahals, Orissa, including the Tributary States of Gangpur and Bonai, and to declare that he shall exercise the powers conferred on such Assistant Superintendents by the notification¹ of the Government of India in the Foreign Department, No 3431-I, dated the 5th September, 1892

[*Gazette of India*, 1922, Pt I, p 381]

Powers of District Magistrate and Sessions Judge in Gangpur and Bonai.

No 972-I B, dated the 15th March, 1907 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to appoint the Deputy Commissioner of Sambalpur to be *ex-officio* an Assistant Superintendent of the Tributary Mahals of Orissa and to declare that he shall exercise the powers conferred on such Superintendents by the notification¹ of the

Government of India in the Foreign Department, No 3431-I , dated the 5th September, 1892, in the Tributary Mahals of Gangpur and Bonai.

[*Gazette of India*, 1907, Pt I, p 223.]

Powers of District Magistrate and Sessions Judge in nine States named ¹

No 1526-P , dated the 14th August, 1906 — The Deputy Commissioner of Angul who has been appointed by the Government of India, Foreign Department, Notification ² No 546-I , dated the 13th February, 1894, to be *ex-officio* an Assistant Superintendent of the Tributary Mahals, Orissa, is authorised to exercise the powers conferred on *ex-officio* Assistant Superintendents by clauses (1) and (4) of Foreign Department Notification, ³ No 3431-I , dated the 5th September, 1892, in respect of cases arising in the following States —

- (1) Athgarh, (2) Athmallik, (3) Boud ⁴ (4) Baramba, (5) Hindol, (6) Narsingpur, (7) Pal Lahara, (8) Talchar, and (9) Tigiria

[*Calcutta Gazette* 1906 Pt I, p 1592]

Powers of Sessions Judge in Dhenkanal and Daspalla ¹

No 1527, dated the 14th August, 1906 — ² The Deputy Commissioner of Angul, who has been appointed by the Government of India, Foreign Department, Notification ² No 546-I , dated the 13th February, 1894, to be *ex-officio* an Assistant Superintendent of the Tributary Mahals, Orissa, is authorised to exercise the powers of a Sessions Judge conferred on *ex-officio* Assistant Superintendents by clauses (1) and (4) of Foreign Department Notification ³ No 3431-I , dated the 5th September, 1892, in respect of cases arising in the Dhenkanal and Daspalla States

[*Calcutta Gazette*, 1906, Pt I, p 1592]

Powers of Sessions Judge in Nilgiri and Mayurbhanj ¹

No 3828-I , dated the 27th October, 1886 —The Governor General in Council is pleased to confirm, with effect from the date thereof, the orders of His Honour the Lieutenant-Governor, dated the 5th July,

¹ For powers exercised by other officers in these States, see Notification No 3431-I , dated the 5th September, 1892, *supra*, p 53

² " The Governor General in Council is pleased to appoint the District Officer of Angul to be *ex-officio* an Assistant Superintendent of the Tributary Mahals of Orissa " *Gazette of India*, 1894, Pt I, p 111

³ Printed *supra*, p 53

⁴ Read " Baud "

1886, vesting the ¹ Assistant Superintendent of the Tributary Mahals of Orissa at Balasore with the powers of a Sessions Judge for the trial of cases committed from the States of Nilgiri and Mayurbhanj

[*Letter of the Government of India*]

Powers of Sessions Judge in Ranpur ²

No 2853-I, dated the 28th June, 1887 —The Governor General in Council is pleased to vest the Magistrate of Puri, in his capacity of *ex-officio*¹ Assistant to the Superintendent of the Tributary Mahals, with the powers of a Sessions Judge for the trial of cases in the State of Ranpur

[*Letter of the Government of India*]

Powers of Sessions Judge in Keonjhar ²

No 3539-I, dated the 26th August, 1891 —In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act XXI of 1879,³ and of all other powers enabling him in this behalf, the Governor General in Council is pleased to invest the Magistrate of Balasore for the time being, in his capacity of *ex-officio*¹ Assistant to the Superintendent of the Tributary Mahals of Orissa, with the powers of a Sessions Judge for the trial of cases committed from the State of Keonjhar

[*Gazette of India*, 1891, Pt I, p 510]

Criminal jurisdiction in the States of Seraikela and Kharsawan in Chota Nagpur

No 768-B -425-Intl, dated the 1st April, 1922 —Whereas the Governor General in Council has in certain cases criminal jurisdiction within the Feudatory States of Seraikela and Kharsawan in Chota Nagpur, in exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the Foreign Department Notification No 205-I B, dated the 28th January, 1910, and the Foreign and Political Department No 140-D,

¹ By the orders of the Bengal Government, Nos 1980—1983, dated the 18th September, 1866, the (District) Magistrates of Balasore, Cuttack, Midnapur, and Puri were appointed *ex-officio* Assistants to the Superintendent and by the further orders No 1318-21, dated the 12th December, 1870, they were empowered, in this capacity, "to take up for trial all offences committed within the Tributary Mahals, not punishable with death, and to deliver judgment and pass sentence of simple or rigorous imprisonment for a period not exceeding seven years," their proceedings being "subject to the approval and sanction of the Superintendent of the Tributary Mahals, to whom they should be forwarded"

² See footnote 1 on previous page

³ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I

dated the 16th November, 1916, and No 3298-I B , dated the 8th July, 1919, the Governor General in Council is pleased to issue the following orders with respect to such cases —

1 The Deputy Commissioner of Singhbhum and the Assistant Political Agent for the Orissa Feudatory States shall, subject to the general and special orders of the Political Agent and Commissioner for the Orissa Feudatory States, exercise in respect of such cases occurring within the limits of either of the said States the powers of a District Magistrate as defined in the Code of Criminal Procedure, 1898 (Act V of 1898)

2 They shall also, subject to the general and special orders of the Political Agent and Commissioner for the Orissa Feudatory States, exercise the powers of a Sessions Judge, as described in the said Code, in respect of such cases occurring within the limits of either of the said States

3 The Political Agent and Commissioner for the Orissa Feudatory States for the time being shall exercise the powers of a Sessions Judge, as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Deputy Commissioner of Singhbhum or the Assistant Political Agent, Orissa Feudatory States

Provided that neither the Deputy Commissioner nor the Assistant Political Agent shall commit an accused person for trial to the Political Agent and Commissioner acting as a Sessions Judge

4 The Political Agent and Commissioner for the Orissa Feudatory States for the time being shall also exercise the powers of a High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction, or the jurisdiction of a Court of Sessions, is exercised by the Deputy Commissioner or the Assistant Political Agent

5 In exercise of the jurisdiction of a Court of Session conferred on him by these orders the Deputy Commissioner or the Assistant Political Agent, as the case may be, may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898 (V of 1898), for the trial of warrant cases by a Magistrate

6 A trial before the Deputy Commissioner or the Assistant Political Agent as Sessions Judge in the exercise of the jurisdiction conferred by these orders may be without jury or the aid of assessors, and may, subject to the orders of the Governor of Bihar and Orissa, be held in such place as the Court may, in its discretion, fix for the purpose

7 The aforesaid British officers, in the exercise of any jurisdiction delegated to them within the Feudatory States in Chota Nagpur, or in

advising the Chiefs, shall be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) as far as it is not inconsistent with any local law or custom or any order of the Governor of Bihar and Orissa in force for the time being

8 These orders apply to all proceedings except—

- (a) proceedings against European British subjects, or persons charged jointly with European British subjects, and
- (b) proceedings pending at the date of this notification which should be carried on as if this notification had not been issued

[*Gazette of India*, 1922, Pt I, p 380]

Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army

Letter of the Government of India, No 1389-I A , dated the 18th April, 1905 —Printed in Appendix XX

Reciprocal service of summonses by Civil and Revenue Courts of the Orissa Feudatory States and Courts in British India

No 323-I , dated the 15th May, 1929 —Printed in Appendix XXI-B.

CHAPTER IV —BOMBAY.

The following are the jurisdictional States in political relations with the Bombay Government.—

<i>Agency</i>		<i>States</i>
<i>Mahā Kantha</i>	(1) Idar	(27) Derol
	(2) Vijaynagar	(28) Khedawada
	(3) Dant	(29) Kadoli
	(4) Malpur	(30) Vaktapur
	(5) Mansa	(31) Prempur
	(6) Mohanpur	(32) Dedhrot
	(7) Varsoda	(33) Tappuri
	(8) Pethapur	(34) Hapa
	(9) Ranasan	(35) Satlasna
	(10) Punadra	(36) Bhalusna
	(11) Khadal	(37) Likh
	(12) Ghodasar	(38) Hadol
	(13) Katosan	(39) Palaj
	(14) Ilol	(40) Gabat
	(15) Ambliara	(41) Maguna
	(16) Sudasna	(42) Tejpura
	(17) Valasna	(43) Vilsoda
	(18) Dabha	(44) Deloli
	(19) Vasna	(45) Kasalpura
	(20) Rupal	(46) Memadpura
	(21) Dadhalia	(47) Ijpura
	(22) Magodi	(48) Rumpura
	(23) Vadagam	(49) Ranipura
	(24) Sathamba	(50) Timba
	(25) Ramas	(51) Umar
	(26) Bolandra	(52) Moti-Kothasna

NOTE—Nos (31), (33) (36) to (39) (41) to (52) do not at present exercise jurisdictional powers

<i>Agency.</i>		<i>States</i>
<i>Revā Kantha</i>	(1) Rajpipla	(23) Alwa
	(2) Chhota Udepur	(24) Vasan-Virpur.
	(3) Baria	(25) Vasan-Sevada
	(4) Lunavada	(26) Chorangli
	(5) Balasinor	(27) Vanmala
	(6) Sant	(28) Vhalodia
	(7) Kadana	(29) Anghad
	(8) Bhadarwa	(30) Sindhapura
	(9) Sanjeli	(31) Jiral Kemsoli
	(10) Umetha	(32) Pandu
	(11) Jambughoda	(33) Mehl
	(12) Mandwa	(34) Rampura
	(13) Vajuria	(35) Pantalaradi
	(14) Gid	(36) Dhari
	(15) Uchad	(37) Nangam
	(16) Agar	(38) Raika
	(17) Naswadi	(39) Dodha
	(18) Sihora	(40) Chudesar
	(19) Chhaliar	(41) Gothda
	(20) Sanor	(42) Bihora
	(21) Palasani	(43) Rongam
	(22) Vahora	(44) Kanoda

<i>Agency</i>		<i>States</i>
<i>Rewa Kantha—contd</i>	(45) Poicha	(54) Rajpur
	(46) Itwad	(55) Dudhpur
	(47) Vakhtapur	(56) Jesar
	(48) Varnol Mahal	(57) Amrapur
	(49) Gutardi	(58) Jankha
	(50) Mokapaginn Muvada	(59) Kaslapaginn Muvada
	(51) Nalia	(60) Nani Varnoli
	(52) Moti Varnoli	(61) Nahara
	(53) Vadia-Vhampura	

NOTE —Nos (21) to (26) and (28) to (61) do not at present exercise jurisdictional powers

<i>Agency</i>		<i>States</i>
Kolhapur and Southern Maratha Country	(1) Kolhapur	(6) Jamkhandi
	(2) Mudhol	(7) Kurundwad (Senior)
	(3) Sangli	(8) Ramdurg
	(4) Miraj (Senior)	(9) Kurundwad (Junior)
	(5) Miraj (Junior)	

Belgaum Savantradi

Subsidiary Agencies¹

Bijapur	Jath
Dharwar	Savanur
Kaira	Cambay
Kolaba	Janjira
Nasik	Singana
Poona	Bhor
Satara	Aundh
Sholapur.	Phaltan
Sukkur.	Akalkot
Surat	Khairpur
	Bansda
	Dharampur
	Sachin

Dangs States

Amala	Derbhavi	Pimpladevi
Avchar	Garvi	Pimpri
Bilbari	Jhari Gharkhadi	Shivbara
Chinchli Gaded	Kirli	Vadhyawan
	Palasvihir	Vasurna

Thana Jawhar

In all these States the Political authorities concerned possess the jurisdiction always vested in the Paramount Power in criminal matters relating to British subjects, Europeans and Americans, and Government servants² But they possess further residuary jurisdiction in the different States as shown in the following account —

¹ So styled here for convenience of classification, the "Agency" in each case being a British District the Collector of which is *ex-officio* Political Agent for the States named in the corresponding entry

² In the Kaira and Khairpur Agencies provision has been made for the exercise of this jurisdiction only in the case of European British subjects

In the Mahi Kantha and Rewa Kantha Agencies the Courts of the States and the Agencies exercise the following powers —

Mahi Kantha Agency

Name of State or Taluka	Jurisdiction of Civil Courts	Jurisdiction of Criminal Courts	Agency Courts and their powers
Idar	Unlimited	Unrestricted, except that the sanction of the Political Agent is required for the trial of British subjects for capital offences	<i>Criminal Courts</i> <i>High Court</i> (a) The Governor of Bombay in Council for murder cases (b) The Commissioner, Northern Division, in all other respects.
Vijayanagar and Danta	Unlimited	Unrestricted, except that the sanction of the Political Agent is required for the trial of persons not subjects of the State for capital offences	<i>Sessions Judge and District Magistrate</i> The Political Agent <i>First Class Magistrates</i> The Deputy Political Agents <i>Second Class Magistrates.</i> Thandars
Malpur, Mansa, Mohanpur and Katosan (personal)	Limited to suits of the value of Rs 10,000	Sentences restricted to 6 years rigorous imprisonment and Rs 5,000 fine	<i>Civil Courts</i> <i>Original</i> Thandars
Varsoda, Pethapur, Ranasan, Punadra, Khadal, Ghodasar, Ilol, Ambliara and Sudasna	Limited to suits of the value of Rs 2,500	Sentences restricted to one year rigorous imprisonment and Rs 500 fine	<i>Original and Appellate</i> The Political Agent The Deputy Political Agents
Valasna, Varsna, Dabha, Rupal Dadhah, Magodi Vadamgam and Bathamba	Limited to suits of the value of Rs 1,000	Sentences restricted to 6 months' rigorous imprisonment and Rs 250 fine	<i>High Court</i> The Governor of Bombay in Council
Ranas, Bolundra, Derol, Khedawada, Kadoli, Valapur, Prempur, Dedbrota, Tajpur, Hapa, Satalasna, Bhalasna, Likhi, Hadol, Palaj, and Galat	Limited to suits of the value of Rs 500	Sentences restricted to 3 months' rigorous imprisonment and Rs 200 fine	

Rewa Kantha Agency.

Name of State or Taluka.	Jurisdiction of Civil Courts	Jurisdiction of Criminal Courts	Agency Courts and their powers
Rajpipla .	Unlimited	Unrestricted, except that the sanction of the Political Agent is required for the trial of British subjects for capital offences	<p><i>Criminal Courts</i></p> <p><i>High Court</i></p> <p>(a) The Governor of Bombay in Council for murder cases</p> <p>(b) The Commissioner, Northern Division, in all other respects</p>
Chhota Udepur, Baria, Lunawada, Balasnor and Sant	Unlimited	Unrestricted, except that the sanction of the Political Agent is required for the trial of persons not subjects of the State for capital offences	<p><i>Sessions Judge and District Magistrate</i></p> <p>The Political Agent</p> <p><i>First Class Magistrates.</i></p> <p>The Assistant Political Agent</p> <p>The District Deputy Political Agent</p>
Kadana . . .	Limited to suits of the value of Rs 20,000	Sentences restricted to 7 years' rigorous imprisonment and Rs 10,000 fine	<p><i>Second Class Magistrates</i></p> <p>Thandars</p> <p><i>Civil Courts.</i></p> <p><i>Original</i></p> <p>The Assistant Political Agent</p> <p>The District Deputy Political Agent</p>
Bhadarwa .	Limited to suits of the value of Rs 10,000	Sentences restricted to 3 years' rigorous imprisonment and Rs 5,000 fine	<p><i>Appellate</i></p> <p>The Political Agent</p> <p><i>High Court</i></p> <p>The Governor of Bombay in Council</p>
Sanjeli, Umetha, Jambughoda, Mandwa and Vajira	Limited to suits of the value of Rs 5,000	Sentences restricted to 2 years' rigorous imprisonment and Rs 2,000 fine	
Gad Boriad, Uchad, Agar, Naswadi, Sihora, Chhaliar and Sanor	Limited to suits of the value of Rs 500	Sentences restricted to 3 months rigorous imprisonment and Rs 200 fine	

In the other Agencies—

The States of Kolhapur,¹ Cambay (Kaira) and Khairpur² (Sukkur) exercise full jurisdictional powers except that the sanction of the Political Agent is required for the trial of British subjects for capital offences

The States of Mudhol, Sangli, Miraj (Sr & Jr), Jamkhanda, Kurundwad (Sr), Ramdurg and Kurundwad (Jr) (Southern Maratha Country)

Savanur (Dharwar)

Janjira (Kolaba)

Bansda, Dharampur and Sachin (Surat)

Tawhai (Thana)

Akalkot (Sholapur)

Aundh and Phaltan (Satara)

Bhor (Poona)

Jath (Bijapur)

and Savantvadi (Belgaum)

}
|
} Satara Jaghirs
|

Also exercise full jurisdictional powers except that the sanction of the Political Agent is required for the trial of persons other than subjects of the State for capital offences. The administration of justice in the Satara Southern Maratha Country and Savanur Jaghirs by the Jaghirdars concerned does not affect the powers of political supervision which vest in the paramount power as such and in virtue of the several agreements existing between the British Government and the Jaghirdars

The State of Surgana (Nasik) exercises civil jurisdiction to any extent, but in criminal matters the Deshmukh is permitted to try all cases arising in his State except those of a serious nature, such as murder, dacoity, and other offences punishable under the Indian Penal Code with imprisonment exceeding 5 years and excepting also cases under Chapters VI, VII and XII of the Code. These are referred to the Poli-

¹ In Kolhapur civil cases against the higher Sardars are dealt with by a joint Court consisting of the Maharaja and the Resident (Treaties, 4th Edition, Volume VII page 252). The restoration to the Kolhapur Durbar of jurisdiction in its feudatory jagirs, viz. Bayda Ichalkaranji, Kagal (Senior and Junior), Kapsli, Torgal, Vishalgirh and the Hummat Bahadur and Sarlashkar Bahadur jagirs, which was begun in 1903 (*ibid* page 253) has been completed by allowing cases from those areas involving sentences of death or of imprisonment for more than seven years to be disposed of by the Kolhapur Courts instead of by the Resident.

² Under Government of India Foreign and Political Department Notification No 61-I dated the 22nd January 1921—

(1) the original and appellate criminal jurisdiction over European British subjects of His Majesty for the time being within the Khairpur State is exercised by the Court of the Judicial Commissioner, Sind, and

(2) a Justice of the Peace for the time being for the Khairpur State commits for trial to the Court of the Judicial Commissioner, Sind

tical Agent, who decides whether the offence in question should be tried by the Agency or should be disposed of by the Deshmukh. Where the Deshmukh tries cases of importance other than the above it is open to the Political Agent to tender him advice if it should appear that in any particular case an injustice has been done. The Political Agent and his Assistant exercise the powers of a Sessions Judge and an Assistant Sessions Judge respectively.

The 14 Estates of the Dangs (Surat) exercise petty civil and criminal jurisdiction. The Dangs Divan possesses Second Class Magisterial powers and power to try civil disputes relating to property not exceeding Rs 50 in value. In the absence of the Assistant Political Agent he investigates all complaints of criminal offences and sends up for trial only those in which there is *prima facie* sufficient evidence. The Assistant Political Agent has the powers of a First Class Magistrate and power to try any civil dispute not triable by the Dangs Divan. The Political Agent exercises all higher criminal jurisdiction.

In the non-jurisdictional estates, of which there are 26 (excluding sub-villages) in the Mahi Kantha and 41 in the Rewa Kantha, jurisdiction vests entirely in the British Government represented by the political authorities. The estates are grouped (often along with minor jurisdictional States) into Circles (Thanas) in charge of Thandars as Sub-divisional Officers under the orders of the Political Agent and his Assistant or his Deputy Assistant.

The Administered Areas are—

Sadra Bazar in the Mahi Kantha, and
Kolhapur Civil Station in Kolhapur.

The various railways are included in the Western Division of Railways in the classification in Volume VIII.

In 1874, an agreement¹ was concluded with the Idar State under which a weir in the River Hathmutteri and a canal through Idar territory were constructed and civil and criminal jurisdiction within canal limits was delegated to the British Government.

¹ Treaties, 4th Edition, Volume V, page 30

BOMBAY STATES

The following British enactments are in force in the States in political relations with the Government of Bombay —

- I.—Statutes.¹
- II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II
- III.—Orders under Statutes.—*See infra*, page 68
- IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.—*See infra*, page 70
- V.—Orders relating to Courts.—*See infra*, page 83.
- VI.—Special Laws.—Bombay States—*See infra*, pages 91 to 93.
 - Mahī Kantha Agency—*See infra*, pages 95 to 201
 - Rewa Kantha Agency—*See infra*, pages 203 to 245
- VII.—Orders under Special Laws.—*See infra*, page 247.

¹ Not enumerated *See* Preface to this edition, paragraph 4.

III.—Orders under Statutes.

53 and 54
Vict., c. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —See Appendix I

Delegation of powers under the Order in Council to the Governor of Bombay in Council.

No. 2859-I. A, dated the 19th June, 1903 —In exercise of the powers conferred by article 3 of the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to delegate to the Governor of Bombay in Council the power to make rules and orders within the places set forth in the schedule hereto annexed, which is conferred on the Governor General in Council by article 4 of the said Order in Council:

Provided that the exercise of the power hereby delegated shall be subject to the control of the Governor General in Council,

Provided, also, that nothing in this notification shall be deemed to preclude the Governor General in Council from exercising any power hereby delegated.

THE SCHEDULE.

Name and description of place in which power and jurisdiction is exercisable.	Political Agency in which included
* * * * *	* * * *
The Kolhapur Civil Station .	Kolhapur and Southern Mahratta Country
The First Class State of Kolhapur	Ditto
The Feudatory Jagirs of the Kolhapur State, viz, Vishalgad, Bavda, Kagal (senior), Kapshi, Inchalkaranji, Torgal, Kagal (junior), and the territories of the Sarlashkar and Himat Bahadur	Ditto
The States of Sangli, Miraj (senior), Miraj (junior), Kurundvad (senior), Kurundvad (junior), Jamkhandi, Mudhol and Ramduig	Ditto
The First Class State of Idar	Mahil Kantha
The Second Class States of Pol and Danta	Ditto
The Third Class States of Malpur, Mansa and Mohunpur	Ditto
The Fourth Class States of Amhara, Ghodasai, Ilol, Katosan, Khadal, Punadra, Pethapur, Ranasan and Varsoda	Ditto
The Fifth Class States of Dabha, Dadhlia, Magodi, Rupal, Sathamba, Sudasna, Vadagam, Valasna and Vasna .	Ditto

Name and description of place in which power and jurisdiction is exercisable	Political Agency in which included
The Sixth Class States of Bhalsura Bolundi, Dedhrota, Derol, Hadol, Hara, Kadoli, Khedwara, Likhli, Piempur, Ramas, Satlasra, Tarpuri and Vaktapur	Mah Kantha
The Seventh Class States of Deloli, Ghat, Ijpura, Kothara, Kasalpura, Manguni, Mehmadvra, Palaj, Ram-pura, Ranipura, Tejpura, Timbra, Umri and Virsoda	Ditto
The Mirdari villages of Chandup, Jher-Nirmali, Burmavara and Bironi	Ditto
The coshured villages of Santhol and Malajpuria	Ditto
* * *	* * *
The First Class State of Rajpipla	Rewa Kantha
The Second Class States of Chhota Udepur, Parra, Lunavada, Balasinor and Sunth	Ditto
The States of Kidana, Bhadrava, Umetha, Sanjeli and Narukot (Jambughoda)	Ditto
The Estates in the Sankheda Mewas—viz, Mandwa, Vajira, Shanor, Naswadi, Uchad, Agai, Vasan, Virpur, Gad, Sindhpura, Vanmaha, Alva, Nangam, Vasan, Serada, Vahora, Bihora, Dudhpur, Chorangla, Bhilodia, Rampura, Jinal, Kamsoli, Chudesar, Nali, Pantavadi, Regan, Viranpura and Palasni	Ditto
The Estates in the Pandu Mewas—viz, Sihora, Chhalvi, Pandu, Kanoda, Mevli, Dhari, Poicha, Varnoli, Mal, Jtrid, Gotardi, Kasla-Pagi-Nu-Muradu, Moka-Pagi-Nu-Muradu, Gothda, Jesar, Amrapur, Jumkha, Vakhtapur, Rajpur, Varnoli, Moti, Varnoli, Nani, Nahara, Dodka, Raika and Anghad	Ditto
The Sivantvadi State	Sivantvadi
The Sitara Jagir of Jath (including the Estate of Daphlapur)	Bijapur
The State of Sivani	Dharwar
The First Class State of Cambay	Kanva
The Dang States	Khandesh
The Second Class State of Janjira	Kolaba
The State of Sughana	Nasik
The Sitara Jagir of Bhoi	Poona
The Sitara Jagirs of Aundh and Phaltan	Satara
The First Class State of Khurpur	Shikarpur (Sind)
The Sitara Jagir of Akalkot	Sholapur
The Second Class States of Bansda, Dharampur and Sachin	Surat
The Second Class State of Jawhar	Thana

[Gazette of India, 1903, Pt I, p 515]

70 BOMBAY STATES.—(III.—Orders under Statutes.—IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.)

5 and 6 Geo.
V, c. 61.

No. 580-D., dated the 26th January, 1917 —(*Jurisdiction of High Courts over European British Subjects.*)—See Appendix IV.

IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.

General Acts.

COURT FEES ACT, 1870

Service of processes of certain Courts in Indian States by Courts in the Bombay Presidency free of charge

Paragraph 89 of the Manual of Civil Circulars issued by the High Court of Bombay, 1925

Processes issued by the Courts in Berar, Mysore or in the territories of His Highness the Nizam or in Gwalior, Dewas State (Senior Branch), Dewas State (Junior Branch), Rewa, Jaora, Rutlam, Indore, Dhar, Jhabua, Barwani, Ali Rajpur, Bhopal, Orchha, Datia, Panna, Ajaigarh, Charkhari, Bijawar, Baoni, Chhatarpur, Garauli, Idar, Kurwai and Narsingaiah, or by any of the Courts mentioned in the Government of India's Notification No. 835-D¹, dated the 12th February 1915, republished at pages 538 to 542 of the Bombay Government Gazette for 1915, Part I, as subsequently amended or in subsequent notifications to which the provisions of Section 29 of the Code of Civil Procedure have been applied, should be served free of charge by the Courts in the Bombay Presidency.

Processes of the Palanpur State Courts issued of their own motion when forwarded to Courts in the Bombay Presidency should be served free of charge in consideration of the undertaking given by the Palanpur Darbar towards reciprocity

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Officers appointed Marriage Registrars and licensed to grant certificates of marriage between Indian Christians with instructions for disposal of marriage certificates

Dated the 5th November, 1874.—His Excellency the Governor in Council is pleased, in virtue of the powers conferred on him by section 86 of Act XV of 1872 (The Indian Christian Marriage Act), to appoint the following officers, for the time being and being Christians, to be Marriage Registrars at the places below named in Native States, for the

¹ See now Foreign and Political Department Notification No 323-I, dated the 15th May, 1929. Printed in Appendix XXI-B

purpose of carrying out the provisions of sections 8 and 9 and section 56 of the said Act.—

*The Assistant Political Agent in charge of Janjira*²—

For the Native State of Janjira

The certificates should be forwarded to the Political Agent at Kolaba for record in his office

The Political Agent at Dharwar—

For the Savanur State

The certificates should be recorded in his own office

*The Assistant Political Agent for Mahi Kantha*²—

For the States of Mahi Kantha

The certificates should be forwarded to the Political Agent for record in his office

*The Assistant Political Superintendent of Sawantwadi*⁴—

For the States of Sawantwadi

The certificates should be forwarded to the Political Superintendent for record in his office

The Political Agent at Thana—

For the State of Jauhar

The certificates should be recorded in his own office

[*Bombay Government Gazette*, 1874, Pt I, p 996]

No 8-Ecclesiastical, dated the 11th February, 1901—In exercise of the powers conferred by section 86 of the Indian Christian Marriage Act, 1872, as amended by section 10 of Act II of 1891, His Excellency the Governor in Council is pleased to appoint the Political Agent, Bhore State, for the time being, and, being a Christian, to be Marriage Registrar in that State for the purpose of carrying out the provisions of sections 8 and 56 of the said Act

The certificates mentioned in section 54 should be recorded in his own office

[*Resolution of the Bombay Government*]

No 33-Ecclesiastical, dated the 30th June, 1906—In exercise of the powers conferred by section 86 of the Indian Christian Marriage Act,

¹This portion which related to Baroda was superseded by Notification No 619-I, dated the 22nd December, 1924 Printed Volume II, page 4

²The functions formerly exercised by the Assistant Political Agent in charge of Janjira and by the Assistant Political Agent for Mahi Kantha are now exercised by the Political Agent, Kolaba, and the Political Agent, Mahi Kantha, respectively

³These entries are not printed as they relate to the Western India States Agency and the Notification now applied is No 88 dated the 29th September, 1928 Printed Volume II, page 163

⁴See now Notification No 520, dated the 27th December, 1912, printed on p 72

XV of 1872, as amended by section 10 of Act II of 1891, His Excellency the Governor of Bombay in Council is pleased to appoint the Political Agent, Kolhapur and the Southern Mahratta Country, for the time being and being a Christian, to be Marriage Registrar in the States under his control for the purposes of carrying out the provisions of sections 8 and 56 of the said Act.

The certificates mentioned in section 54 should be recorded in his own office

[*Bombay Government Gazette*, 1906, Pt I, p 1043]

No 520, dated the 27th December, 1912 —In exercise of the powers conferred by section 86 of the Indian Christian Marriage Act, 1872 as amended by section 10 of Act II of 1891, His Excellency the Governor in Council is pleased to appoint the Political Agent, Savantvadi, for the time being and being a Christian, to be Marriage Registrar in that State for the purpose of carrying out the provisions of sections 8 and 56 of the said Act

2 The certificates mentioned in section 54, should be recorded in his own office

[*Bombay Government Gazette*, 1913 Pt I p 81]

Fees and rules

No — Ecclesiastical, dated the $\frac{9th\ April\ 1873}{7th\ October\ 1874}$ Not re-printed

[*Bombay Government Gazette* $\frac{1873}{1874}$, Pt I, p $\frac{337}{820}$]

SEA CUSTOMS ACT, 1878

Port of Cambay declared to be a Customs port for certain purposes

No 2559, dated the 1st August, 1884 —In exercise of the power conferred by section 13 of the Sea Customs Act, VIII of 1878, and in supersession of so much of notification No 1180, dated the 26th June 1866, as related to the Port of Cambay the Governor General in Council is pleased to direct that all goods imported from, or exported to, the said port into or from any Customs port in British India shall be treated as regards the levy of customs duties and the payment of drawbacks under the said Act as goods imported from, or exported to, a Customs port, as the case may be

[*Gazette of India*, 1884, Pt I, p 282]

Certain Janjira ports declared to be Customs ports for certain purposes

No 65, dated the 16th July, 1927.—In exercise of the power conferred by section 13 of the Sea Customs Act, 1878 (VIII of 1878), and in

¹ Now designated "Resident at Kolhapur and Political Agent, Southern Maratha Country States

supersession of the notification of the Government of India in the Department of Finance and Commerce No 35-S, dated the 23rd January 1885, and of the notification of the Department of Commerce and Industry No 508-D dated the 7th December 1918, the Governor General in Council is pleased to direct that all goods imported from or exported to any port in the territory of His Highness the Nawab of Janjira other than a port in His Highness' territory in Kathiawar shall be treated for the purposes of the levy of customs duties and the payment of drawbacks under the said Act, as goods imported from, or exported to, a Customs port as the case may be

[*Gazette of India*, 1927, Pt I p 758]

INDIAN ARMS ACT 1878

Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into, British India

No F-829-I-22, dated the 3rd November, 1923 —(The Indian Arms Rules, 1924) Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Appointment of Registrars of Births and Deaths

No 4227-I dated the 31st October, 1889 —In modification of Foreign Department notification No 340-I, dated the 25th January 1889, the Governor-General in Council is pleased to issue the following —

I In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, VI of 1886 the Governor-General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule to be Registrars of Births and Deaths, in respect of the classes of persons indicated in section 11 sub-section (1), clause (b) of the said Act for the local areas mentioned opposite their designations in the second column of that schedule, respectively —

Offices	Local areas
I—Kathiawar	
II—Renu Kantha	
The Political Agent	The States within the Agency
III—Mahi Kantha	
The Assistant Political Agent ¹	The States within the Agency
IV—Palanpur	
I—Cutch	

¹ This Notification in its application to Kathiawar, Palanpur and Cutch has been cancelled by Notification No 451-I, dated the 3rd October 1921 Printed Vol II p 168

The functions formerly exercised by the Assistant Political Agent, Mahi Kantha, are now exercised by the Political Agent, Mahi Kantha

Offices	Local areas
<i>VI—Kolhapur and Southern Mahratta Country</i>	
1 The Second-in-Command, Kolhapur Infantry, and <i>ex-officio</i> Assistant to the Political Agent, Kolhapur and Southern Mahratta Country ¹	The State of Kolhapur
2 The Assistant Political Agent in subordinate charge of Southern Mahratta Country ²	The States of Sangli, Miraj, senior and junior, Kurundwad, senior and junior, Jamkhandi, Mudhol and Ramdurg

VII—Sawantwari

The Political [Superintendent] ³	The State of Sawantwari
II * * *	* * *
	*4

[*Gazette of India*, 1889, Pt I, p 606]

No 3775-I A , dated the 7th September, 1906 —In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to appoint the Political Agent, Bhore, for the time being, to be Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b) of the said Act, for the local area included within the State of Bhore

* * * * * * *4

[*Gazette of India*, 1906, Pt I, p 659]

No 1144-I B , dated the 12th June, 1917 —In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to appoint the Political Agent, Cambay, for the time being, to be Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b) of the said Act, for the local area included within the State of Cambay.

* * * * * * *4

[*Gazette of India*, 1917, Pt I, p. 1073.]

Rules and fees

No 1173, dated the 19th July, 1888.—Printed in Appendix VI.

¹ Now " Second-in-Command ", Kolhapur Infantry, and Assistant Resident, Kolhapur

² Now " Assistant Political Agent, Southern Maratha Country States "

³ Now " Agent "

⁴ This part relating to the appointment of a Registrar-General for the purposes of sections 24 (2) and 32 is obsolete See now those sections as amended by the Devolution Act, 1920 (XXXVIII of 1920)

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees and Rules

No 341, dated the 11th August, 1904 —Printed in Appendix VII.

INDIAN EXTRADITION ACT, 1903

Offences under the Criminal Tribes Act, declared to be extradition offences

No 4806-I B, dated the 17th November, 1919 —Printed in Appendix VIII

Desertion from certain units of Indian State Forces declared to be an extradition offence

No 405-I, dated the 20th June, 1928 —Printed in Appendix VIII

Additional extradition offence in the case of Khairpur

No 3321-I A, dated the 16th August, 1905 —In exercise of the powers conferred by the first schedule of the Indian Extradition Act, 1903 (XV of 1903), the Governor-General in Council is pleased to declare the offence of enticing or taking away or detaining with criminal intent a married woman, as defined in section 498 of the Indian Penal Code, to be an extradition offence within the meaning of the Indian Extradition Act, 1903, in the case of the Khairpur State

[*Gazette of India*, 1905, Pt I, p 596]

Rules under the Act except in areas under British jurisdiction

No 1862-I A, dated the 13th May, 1904 —Printed in Appendix VIII.

CODE OF CIVIL PROCEDURE, 1908¹

Authority to sanction institution of suits and execution of decrees against Chiefs of Bombay States

No 583-I B, dated the 7th March 1921 —In exercise of the powers conferred by sub-section (4) of section 86 of the Code of Civil Procedure, 1908 (Act V of 1908), and in supersession of the notification of the Government of India in the Foreign Department, No 1503-I, dated the 8th May 1896, the Governor General in Council is pleased to authorise the Government of Bombay and any of the Secretaries to that Government

¹ For other Orders under the Code of Civil Procedure, 1908, as in force in British India which affect the States see "Orders relating to Courts", *infra*

to exercise with respect to the Ruling Princes and Chiefs mentioned in the schedule hereto annexed the functions assigned by sub-sections (1), (2) and (3) of the said section to the Governor General in Council and a Secretary to the Government of India, respectively —

* * * * *

KOLHAPUR AGENCY

His Highness the Maharaja of Kolhapur	The Pant Sachiv, Jahagirdar of Ichalkaranji
² [The Pant Pratinidhi of Vishalgad	The Sarjeras of Kagal (Junior)
The Pant Amatya of Bayda	The Sai-Lashkar Bahadur of Kolhapur]
The Sarjeras Vajarat Ma-ab of Kagal (Senior)	The Sena Khaskhel of Torgal
The Senapati of Kapshi	The Himat Bahadur of Kolhapur

SOUTHERN MARATHA COUNTRY AGENCY

The Chief of Sangli	The Chief of Kunundvad (Junior)
The Chief of Mraaj (Senior)	(2)
The Chief of Mraaj (Junior)	The Chief of Jamkhandi
The Chief of Kunundvad (Senior)	The Chief of Mudhol
The Chief of Kunundvad (Junior)	The Chief of Ramdurg
(1)	

* * * * *

REWA KANHA AGENCY

His Highness the Maharaja of Rappipla	The Thakor of Jambughuda
The Raja of Chhota Udepur	The Rana of Mandwa
His Highness the Raja of Barwa	The Thakor of Vajura
His Highness the Raja of Lunawada	The Thakor of Gad Borad
The Nawab of Balasinoi	The Thakor of Shanoir
The Raja of Sunth	The Thakor of Nasvadi
The Thakor of Kadana	The Thakor of Uchad
The Thakor of Bhadarwa	The Thakor of Agai
The Thakor of Sanjeli	The Thakor of Vannala
The Thakor of Umetha	The Thakor of Sihora
	The Thakor of Chhalai

¹ Omitted by Notification No 569-I, dated the 25th November, 1924 *Gazette of India*, 1924, Pt I, p 1037

² Substituted by Notification No 2364-I B, dated the 15th August, 1921. *Gazette of India*, 1921, Pt I, p 1125.

MAHI KANTHA AGENCY

His Highness the Maharaja of Idar.	The Thakor of Sudasna
The Rao of Pol	The Thakor of Valasna
The Maharana of Danta	The Thakor of Dabha
The Raolji of Malpur	The Thakor of Vasna
The Raolji of Mansa	The Thakor of Rupal
The Thakor of Mohanpur.	The Thakor of Dadhaliya
The Thakor of Katosan	The Thakor of Magodi
The Thakor of Ilol	The Thakor of Vadagam
The Thakor of Vaisoda	The Thakor of Sathamba
The Thakor of Pethapur	The Thakor of Ramas
The Thakor of Ranasan	The Thakor of Khedwada
The Thakor of Punadra	The Thakor of Hapa
The Thakor of Khadal	The Thakor of Satlasna
The Thakor of Ghodasar	The Thakor of Gabat
The Thakor of Amivara	¹ [Thakor Kubersinhji of Kadoli]

* * * * *

SURAT AGENCY

His Highness the Nawab of Sachin	The Chief of Kirla
His Highness the Raja of Dharapur	The Chief of Shirbara
The Raja of Bansda	The Chief of Palasvini
The Chief of Gadhi	The Chief of Vadhyawan
The Chief of Derbhavti	The Chief of Jhari Gharkhadi
The Chief of Amala	The Chief of Bilbati
The Chief of Vasurna	The Chief of Pimpaladevi
The Chief of Pimpri	The Chief of Archai
	The Chief of Chinchli Gadad

KAIRA AGENCY

His Highness the Nawab of Cambay.

THANA AGENCY

The Raja of Jawhar

POONA AGENCY

His Highness the Pant Sachin of Bhor

¹ Added by Notification No 2002-I B, dated the 6th July 1921 *Gazette of India*, 1921, Pt I, p 930

² Omitted by Notification No 569-I dated the 25th November 1921 *Gazette of India*, 1921, Pt I, p 1037.

SATARA AGENCY.

The Pant Pratinidhi of Aundh The Chief of Phaltan.

SHOLAPUR AGENCY

The Raja Saheb of Akalkot

BELGAUM AGENCY.

The Sai Desai of Savantvadi

KOLABA AGENCY.

His Highness the Nawab of Janjira and Jaffrabad.

DHARWAR AGENCY

The Nawab of Savanur

BIJAPUR AGENCY

The Chief of Jath

NASIK AGENCY.

The Deshmukh of Suigana

SUKKUR AGENCY

His Highness the Mi of Khairpur

[*Gazette of India*, 1921, Pt I, p 399 Republished in *Bombay Government Gazette*, 1921, Pt I, p 649]

INDIAN LUNACY ACT, 1912

Reception and detention of lunatics from Bombay States in Asylums in British India

No. 568-G , dated the 10th March, 1920 —In exercise of the powers conferred by section 99 of the Indian Lunacy Act, 1912 (IV of 1912), the Governor General in Council is pleased to make the following rules, regulating the procedure for the reception and detention in asylums in British India of lunatics whose reception and detention are provided for by section 98 of the said Act

1 All costs involved by the detention of any lunatic, who is a subject of a State in India, shall be chargeable to the State concerned

2 In the event of non-payment of sums due under the preceding rule on account of the detention of any lunatic, such lunatic shall be liable to discharge from the asylum, if three of the visitors of the asylum by order in writing so direct.

3 Lunatics detained under these rules, who are subjects of any of the States mentioned in the first column of the following Table, may be

detained in the asylum, or one of the asylums, mentioned opposite thereto in the second column.

TABLE

Name of State BOMBAY PRESIDENCY.	Name of Asylum
Jath	Lunatic Asylum at Dharwar
Cambay	Lunatic Asylum at Ahmedabad
Aundh	Central Lunatic Asylum at Yeravda, Poona
Phaltan	
Sachin	Narotam Mathuradas Lunatic Asylum at Naupada Thana
Dharampur	
Khairpur	Sir Cawasji Jehangir Lunatic Asylum at Hyderabad, Sind
Jawhar	Narotam Mathuradas Lunatic Asylum at Naupada, Thana
Bhor	Central Lunatic Asylum at Yeravda, Poona
Rajpura	Lunatic Asylum at Ahmedabad
Balasinor	
Sunth	
Kadana	
Bhadarwa	
Sanjeli	
Umetha	
Jambughoda	Lunatic Asylum at Dharwar
Savarnur	
Kurundwad (Junior)	Central Lunatic Asylum at Yeravda, Poona
Ramdurg	
Idar	Lunatic Asylum at Ahmedabad
Pol	
Mohimpur	
Ilol	
Vasodra	
Petrapur	
Punadra	
Khadal	
Ghodasar	
Amliwara	
Valsua	
Sudasna	
Rupal	
Dadhana	
Vadgam	
Maghodi	
Sathambra	
Ramra	
Hakra	
Bolundra	
Kadoli	
Lakhi	
[Surghar]	
[Dabha]	
[Khedwad]	
[Sathambra]	

[Gazette of India, 1920, Pt I, p 491]

¹ Omitted by Notification No 1282-479 Gen, dated the 16th May, 1922
Gazette of India, 1922, Pt I, p 595

² Added by Notification No 1971-G, dated the 21st December, 1921
Gazette of India 1921, Pt I, p 1701

³ Added by Notification No 1282-479 Gen, dated the 16th May, 1922
Gazette of India 1922 Pt I p 595

⁴ Printed Vol II, p 170, as it relates to the Western India States Agency.

OFFICIAL TRUSTEES ACT, 1913.

Inclusion of States in the Presidency of Bombay for purposes of the Act.
No. 1450-D , dated the 19th March, 1914 —Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913

Inclusion of States in the Presidency of Bombay for purposes of the Act.
No 1449-D , dated the 19th March, 1914 —Printed in Appendix XIII

Exercise of the powers and duties of a District Judge under the Act
No 3542-I , dated the 27th August, 1891 —Printed in Appendix XIII

INDIAN INCOME-TAX ACT, 1922

Modifications of income-tax when income-tax has been charged both in British India and in certain Bombay States
No 25, dated the 1st July 1926 —Printed in Appendix XV

COTTON TRANSPORT ACT, 1923

Application of sub-section (1) of section 4 to cotton consigned to railway stations in the Rajpipla State

No 157-C (5), dated the 4th April, 1925 —Whereas by a law in force in the territories of the Rajpipla State in India, the import by railway into the State limits of any cotton grown outside those limits has been prohibited except with the permission of the State,

The Governor General in Council in exercise of the powers conferred by sub-section (3) of section 4 of the Cotton Transport Act, 1923 (III of 1923), is pleased to declare that the provisions of sub-section (1) of the said section shall apply in respect of any such cotton which is consigned to any railway station situated within the territories of the Rajpipla State as if such station were a notified station and as if any permission or licence granted under the said law were a licence granted under the Cotton Transport Act, 1923

[*Gazette of India*, 1925, Pt I, p 291.]

Bombay Acts.

BOMBAY ABKARI ACT, 1878

Exemption from duty of certain country liquor

No 9518, dated the 15th October, 1912 —In exercise of the powers conferred by section 11 of the Bombay Abkari Act, 1878 (Bombay Act V of 1878), the Governor in Council is pleased to exempt from duty country liquor which has been manufactured at Nandod distillery within

the territory of His Highness the Raja of Rajpura¹ and which is transported from the said distillery through the intervening British territory to His Highness' liquor depôt at Sagbaria under permits for such transport signed by the Distillery Inspector, Nandod subject to the following conditions, namely —

(1) The liquor shall be conveyed by the undermentioned route —

From Nandod to Ankleshwar in the Broach District,—by the Rajpura State Railway

From Ankleshwar to Surat,—by the main line of the Bombay, Baroda and Central India Railway

From Surat to Nandabar in the West Khandesh District,—by the Tapti Valley Railway

From Nandabar to Sagbaria, by road

(2) Each permit shall specify—

(a) The number and date thereof,

(b) The name of the transporter

(c) The name and description of the vessel containing liquor,

(d) The quantity and strength of liquor contained in each vessel,

(e) The name of the places from and to which liquor is to be transported,

(f) The mode of conveyance, and

(g) The date up to which the permit shall hold good,

(3) Liquor shall be taken in casks or kegs and each such cask or keg shall be securely closed and sealed and shall have marked on it the quantity and strength of the liquor contained therein

[Bombay Government Gazette, 1912, Pt I p 1833]

Sawantwadi
Acts²

SAWANTWADI LAND CUSTOMS ACT, 1925

Customs arrangements on the Goa-Sawantwadi Frontier

No 57, dated the 20th October, 1928—In exercise of the powers conferred by section 4 of the Sawantwadi Land Customs Act, 1925 (Sawantwadi Act I of 1925), and in supersession of its Notification No 44 Customs, dated the 23rd October 1926 the Central Board of Revenue is pleased—

- (a) to establish the Land Customs Stations specified in column I of the Schedule hereto appended for the levy of land customs in the land customs areas adjoining the Frontier of Goa bordering on the Sawantwadi State, and

¹ Now His Highness the Maharaja of Rajpura

² The Notification is printed here for convenience of reference

- Republished at page 2501 of Part I of the Bombay Government Gazette, dated 11th November, 1926

(b) to prescribe—

- (i) the routes specified in column 2 of the said Schedule as the routes by which alone goods may pass by land out of or into the foreign territory of Goa, and
- (ii) each of the said routes as the route by which alone goods may pass by land to or from the land customs station specified in the corresponding entry in column 1 of the said Schedule from or to the foreign Frontier of Goa;

Provided that nothing in clause (b) shall apply to goods to which sub-sections (1), (2) and (3) of section 5 of the said Act are, by virtue of a notification under sub-section (4) of the said section, for the time being inapplicable

SCHEDULE.

Land Customs Stations 1	Routes by which alone goods shall pass 2
1. Kirnapani Naka	The road leading from the Sawantwadi State wharf on the Terekhol creek to Aionda village
2 Satarda Naka	The road leading from the landing place on the Terekhol creek to Satarda village
3 Banda Naka	The road leading from Banda village to the Portuguese Frontier
4 Netarda Naka	The road leading from Netarda village to the Portuguese Frontier
5 Dodamarg Custom House	The road leading from Dodamarg village to the Portuguese Frontier
6 Ain Naka	The road leading from Ain village to the Portuguese Frontier

[*Gazette of India*, 1928, Pt I, p 933]

V.—Orders relating to Courts.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India

No 1431-I, dated the 27th April, 1893—Printed in Appendix XIX

Prisons to which such warrants may be sent by British Courts in Bombay States

No 4220, dated the 3rd July, 1895—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor-General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, 'No 1431-I, dated the 27th April, 1893, the Governor-General in Council has been pleased, by letter No 3080-I, dated 2nd September, 1893, to authorise the Governor of Bombay in Council to direct to what jails within the territories subject to the jurisdiction of the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid

Now the Governor in Council is pleased, in pursuance of the said authorisation—

- (a) to direct that the jail specified in respect of each Court mentioned in the table hereinafter contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid, and
- (b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 331 of the Code of Criminal Procedure, 1862²

¹ Printed in Appendix XIX

² See now, the Code of Criminal Procedure, 1898 (Act V of 1898)

TABLE.

From the Court of the Political Resident Aden	To the Prison at Aden
From the Court of the Political Agent, Akalkot	To the Prison at Bijapur.
From the Court of the Political Agent, Bhori ¹	To the Central Prison at Yeraoda.
From the Court of the Political Agent, Kutch, as Sessions Judge for the Cantonment of Bhuj. ²	To the Central Prison at Ahmedabad
From the Court of the Political Agent, Kaira ¹	To the Central Prison at Ahmedabad
From the Court of the Political Agent, Khairpur ¹	To the Prison at Shikarpur.
From the Court of the Political Agent, Khandesh	To the Prison at Dhulia
From the Court of the Political Agent, Mahi Kantha	To the Central Prison at Ahmedabad.
From the Court of the Political Superintendent, Palanpur	To the Central Prison at Ahmedabad.
From the Court of the Political Agent, Phaltan and Aundh	To the Central Prison at Yeraoda.
From the Court of the Political Agent, Savanur	To the Prison at Dharwar
From the Court of the Agent to His Excellency the Governor at Surat	To the Central Prison at Ahmedabad.
From the Court of the Political Agent, Sargana	To the Prison at Thana

[*Bombay Government Gazette*, 1895, Pt I, p 777]

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A , dated the 13th May, 1904 —Printed in Appendix IV.

Jurisdiction of the High Court at Bombay over European British subjects

No. 580-D , dated the 26th January, 1917 —Printed in Appendix IV.

Justices of the peace to commit for trial to the High Court having jurisdiction

No 582-D , dated the 26th January, 1917 —Printed in Appendix IV.

¹ The Political Agent does not exercise criminal jurisdiction

² The Cantonment of Bhuj has been abolished and jurisdiction there has been restored to the Cutch State

Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests

No 319-D., dated the 16th January 1917 —Printed in Appendix IV

Appointments of Justices of the Peace

No 2223-I, dated the 29th June 1886 —In exercise of the powers conferred by section 6 of Act XXI of 1879¹ (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officers holding the appointments specified below, and being European British subjects, to be Justices of the Peace in virtue of office within the Native States of Kolhapur and the Southern Mahratta Country —

- (1) The Political Agent in Kolhapur and the Southern Mahratta Country ²
- (2) The Assistant Political Agent in subordinate charge of the Southern Mahratta country ³

[*Gazette of India*, 1886, Pt I, p 402]

No 393-A I, dated the 28th January, 1888 —In exercise of the powers conferred by section 6 of Act XXI of 1879¹ (the Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the Political Agents for the time being at Poona and ⁴[Bijapur], being European British subjects to be Justices of the Peace within the State of Bhore and within the State of Jath including the Estate of Daphlapur, respectively

[*Gazette of India*, 1888, Pt I, p 54]

No 4971-I, dated the 18th December, 1888 —In exercise of the powers conferred by section 6 of the ¹Foreign Jurisdiction and Extradition Act, XXI of 1879, the Governor General in Council is pleased to appoint the officers for the time being holding the offices specified

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

² Now designated "Resident at Kolhapur and Political Agent, Southern Mahratta Country States"

³ Now designated "Assistant Political Agent Southern Mahratta Country States"

⁴ See Notification No 686-I B, dated the 2nd April, 1913 *Gazette of India*, 1913, Pt I, p 328

below, and being European British subjects, to be Justices of the Peace within the limits of their respective charges:—

The Agent to His Excellency the Governor of Bombay, Surat							
1*	*	*	*	*	*	*	*
..
1*	*	*	*	*	*	*	*
[The Political Agent,] Sawantwar							
,, Agent, Khimpur in Sind							
,, ,, Kutch							
,, ,, Rewa Kantha							
,, ,, Mahi Kantha							
,, ,, Kaira							
..	*	*	*	*	*	*	*
,, ,, Thana							
,, ,, Kolaba							
,, ,, Satara							
,, ,, Khandesh							
,, ,, Dharwar							
,, ,, Sholapur							
..	*	*	*	*	*	*	*

[*Gazette of India*, 1888, Pt I, p 581]

No 127-I, dated the 11th January 1890 —In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879⁵, the Governor General in Council is pleased to appoint the Collector of Nasik and the Assistant Collector in charge of the Kalvan Taluka, for the time being, being European British subjects to be Justices of the Peace within the limits of the Saigana State

[*Gazette of India*, 1890, Pt I, p 34]

No 1994-I, dated the 11th May 1891 —In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act XXI of 1879⁵, the Governor General in Council is pleased to appoint the officers for the time being holding the offices specified below, and being European British subjects to be Justices of the Peace within the limits of their respective charges —

The Second-in-Command, Kolhapur Infantry, and *ex-officio* Assistant Political Agent, Kolhapur ⁶

“ ” “ ” “ ” “ ” “ ” “ ”

[*Gazette of India*, 1891, Pt I, p 251]

¹ Omitted by Notification No 55-I, dated the 25th January, 1927 *Gazette of India*, 1927, Pt I, p 120

² Omitted by Notification No 686-I B, dated the 2nd April, 1913 *Gazette of India*, 1913, Pt I, p 328

³ Substituted by ditto

⁴ Omitted by Notification No 2102-9-B, dated the 13th September, 1924 *Bombay Government Gazette*, 1924, Pt I, p 2122

⁵ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

⁶ The Second-in-Command Kolhapur Infantry, is now designated “Assistant Resident Kolhapur” instead of “Assistant Political Agent, Kolhapur”

Court of Judicial Commissioner, Sind, to exercise criminal jurisdiction over European British subjects within the Khaipur State

No 61-I, dated 23rd January, 1924 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct—

- (1) that original and appellate criminal jurisdiction over European British subjects of His Majesty for the time being within the Khaipur State shall until the Governor General in Council otherwise orders, be exercised by the Court of the Judicial Commissioner, Sind, and
- (2) that a Justice of the Peace for the time being for the Khaipur State shall commit for trial to the Court of the Judicial Commissioner, Sind

[Gazette of India, 1924, Pt I, p 84]

Constitution of Commissioners of Divisions as High Courts for purposes of criminal jurisdiction in States subject to the jurisdiction reserved to the Governor of Bombay in Council

No 3567, dated the 7th June, 1905 —Whereas various orders have from time to time been issued by Government in regard to the criminal jurisdiction of Commissioners of Revenue in the Political Agencies under their supervision,

And whereas doubts have arisen as to the construction of the said orders and it is therefore expedient to make better provision for the purpose of determining that jurisdiction

The Governor in Council, in exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department,¹ No 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, is pleased, in supersession of all previous orders on this same subject, so far as they may be inconsistent with anything herein contained, to issue the following order for the said purpose —

The Commissioner shall exercise the jurisdiction of a High Court, as described in the Code of Criminal Procedure, 1898 (Act V of 1898), in respect of offences over which the jurisdiction of a Court of Session is exercised by the Political Agent subject to the following limitations —

- (a) In the case of every appeal by a person convicted of an offence punishable with death or by a co-accused of such

convict, the said jurisdiction shall be exercised by the Governor in Council,

- (b) In every case decided by the Commissioner the Governor in Council reserves jurisdiction to call for the record and pass orders as he thinks fit

[*Bombay Government Gazette*, 1905, Pt I, p 671]

Constitution of Agency Civil Courts in —

— Maha Kantha Agency

No 3422, dated the 23rd December, 1925 —Printed infra, p 153

— Rewa Kantha Agency

No 3817-A , dated the 1st July, 1915 —Printed infra, page 223

Constitution of Agency Political Courts in the Maha Kantha Agency

No 5044, dated the 18th July, 1907 —Printed infra, page 123

Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army

Letter of the Government of India, No 1389-I A., dated the 18th April, 1905 —Printed in Appendix XX

Service of summonses of Courts of Bombay States—

(a) by Courts in British India

No 323-I , dated the 15th May, 1929 —Printed in Appendix XXI-B.

(b) by Courts established or continued by the Governor General in Council

No 322-I , dated the 15th May, 1929 —Printed in Appendix XXI-A.

Execution of decrees of Courts of Bombay States—

(a) by Courts in British India.

No 321-I , dated the 15th May, 1929 —Printed in Appendix XXI-B.

(b) by Courts established or continued by the Governor General in Council

No. 322-I , dated the 15th May, 1929 —Printed in Appendix XXI-A.

Service by Courts of Bombay States of summonses of Courts in British India

No. 323-I, dated the 15th May, 1929 —Printed in Appendix XXI-B

Execution by Courts of States in Bombay of decrees of Courts in British India

No 321-I, dated the 15th May, 1929 —Printed in Appendix XXI-B.

Courts in British India empowered to send decrees¹ for execution to Courts established or continued by the Governor General in Council in Bombay States.

No 787-I B, dated the 9th April, 1913 —Printed in Appendix XXI-A.

*Service and execution by Courts established or continued by the Governor General in Council in Bombay States of summonses and decrees—
(a) of Civil or Revenue Courts in British India, (b) of other Courts established or continued by the Governor General in Council, (c) of Civil or Revenue Courts of certain Indian States.*

No 322-I, dated the 15th May, 1929 —Printed in Appendix XXI-A

Service of summonses and execution of decrees of Courts established or continued by the Governor General in Council in Bombay States² by other Courts established or continued by the Governor General in Council.

No 322-I, dated the 15th May, 1929 —Printed in Appendix XXI-A

Service of summonses and execution of decrees of Courts established or continued by the Governor General in Council in Bombay by Civil Courts of the Baroda and Mysore States.

No. 398-I B, dated the 25th February, 1910 —Printed in Appendix XXI-C

No 2622-I B, dated the 24th December, 1912 —Printed in Appendix XXI-C

No 2623-I B, dated the 24th December, 1912 —Printed in Appendix XXI-C

¹ As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1903 (V of 1903), read with clause (1) of Notification No 322-I, dated the 15th May, 1929 Printed in Appendix XXI-A

² These Courts may send their summonses and decrees to Courts in British India for service and execution see sections 29 and 43 of the Code of Civil Procedure, 1903 (V of 1903)

VI—Special Laws.

*Application of provisions of General Acts**General*

FOREIGNERS ACT, 1864

No 1749-IV , dated the 1st March, 1915 —In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification ¹ of the Government of India in the Foreign Department, No 2859-I. A , dated the 19th June, 1903, and in supersession of Government notification in the Political Department, No 288-W , dated the 15th August, 1914, the Governor in Council is pleased to direct that the Foreigners Act, 1864 (III of 1864), shall continue to apply to all places within which the Governor in Council is authorized to make rules and orders under the said notification of the Government of India, including the Thana Circles and the Civil Stations * * * * *

Provided that all references to British India in the said Act shall be read as referring to the said places

[*Bombay Government Gazette*, 1915, Pt I, p 660]

REVENUE RECOVERY ACT, 1890

No 1415-I , dated the 30th April, 1890 —Printed in Appendix XVI.

EPIDEMIC DISEASES ACT, 1897

No 443-I A., dated the 4th February, 1897 —Printed in Appendix XVIII

EXPLOSIVE SUBSTANCES ACT, 1908

No 5702, dated the 25th August, 1908 —Printed *infra*, page 97.

*Local Regulations**Publication of newspapers and other printed works*

No. 2651-I , dated the 25th June, 1891 —Printed in Appendix XVII.

¹ Printed *supra*, p 63

² Obsolete

Rules for refund of value, or exchange of court fee stamps and labels.

No 6359, dated the 17th September, 1906 —Printed *infra*, page 120

Form of sale proclamation to be used by Agency Civil Courts

No 7280, dated the 25th October, 1906 —Printed *infra*, page 120

Procedure for detention of lunatics from Bombay States in asylums in British India

¹ No 567-G, dated the 10th March, 1920 —Whereas jurisdiction to make an order for the detention of any of their subjects who are, or who may hereafter become, lunatics has been transferred to the Governor General in Council by the Darbars of the States named in the accompanying Schedule:

Now, therefore, the Governor General in Council, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, is pleased to prescribe the following procedure for observance by Political Officers in connection with the making of orders and warrants for the detention of lunatics from the said States in asylums in British India

1 In the case of a criminal lunatic, in respect of whom an order or warrant for detention in an asylum has been made or issued by a court established under the authority of the Darbar of any of the said States, the Political Officer may, on application by such Darbar, endorse such order or warrant for execution in an asylum in British India.

2 In the case of any other lunatic, in respect of whom an application to that effect has been made by any such Darbar, the Political Officer may make an order for the detention of such lunatic in an asylum in British India.

SCHEDULE

Name of State					Designation of Political officer	
BOMBAY PRESIDENCY						
Jath	.	.	.	.	The Collector and Political Agent,	
Cambay	.	.	.	.	Bijapur The Collector and Political Agent,	
Aundh	.	.	.	.	Kaira The Collector and Political Agent,	
Phaltan	.	.	.	.	Satara The Collector and Political Agent,	
Sachin	.	.	.	.	The Collector and Political Agent,	
Dharampur	.	.	.	.	Surat The Collector and Political Agent,	
Khairpur	.	.	.	.	Sukkur The Collector and Political Agent,	
Jawhar	.	.	.	.	Thana The Collector and Political Agent,	
Bhor	.	.	.	.	Poona The Collector and Political Agent,	

¹ Cf Notification No 518 G, dated the 10th March, 1920 Printed *supra*, p 78

Name of State	Designation of Political officer
BOMBAY PRESIDENCY—contd	
Rajpura	The Political Agent, Rewa Kantha
Balasino	
Sunth	
Kādarwa	
Bhadarwa	
Sanjeli	
Umetha	The Collector and Political Agent, Dhule
Jambughoda	
Sarwar	The Resident at Kolhapur and Political Agent Southern Mahratta Country States
Kurundwad (Junior)	
Ramdurg	
Idar	
Pol	
Mohannur	
Hol	
Varsoda	
Pethapur	
Punadra	
Khadal	
Ghodasur	The Political Agent Mahi Kantha
Amhivara	
Valsua	
Sudasna	
Rupal	
Dadhur	
Vadgam	
Marghodi	
Sathamba	
Ramas	
Hara	
Bolundur	The Political Agent Nasik]
Kadoli	
Likhi	
1*	
2[Dabha	
Vasur	
Khedwad	
Sathur]	
3[Surgan	
4	
5	
6	
7	
8	
9	
10	

[*Gazette of India*, 1920, Pt I, p 448]

¹ Omitted by Notification No 1281-479-Gen dated the 16th May 1922 *Gazette of India* 1922, Pt I p 591

² Added by Notification No 1281-479-Gen dated the 16th May 1922 *Gazette of India* 1922, Pt I, p 594

³ Added by Notification No 1970-G dated the 21st December 1921 *Gazette of India*, 1921, Pt I, p 1701

⁴ Printed Vol II p 197 as it relates to the Western India States Agency

VI—Special Laws.

Application of provisions of General Acts

MAHI KANTHA AGENCY.

INDIAN PENAL CODE

No 3800 dated the 13th June 1904—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902 by the Governor General in Council in the notification of the Government of India in the Foreign Department, 'No 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Mahi Kantha, as entered in the schedule annexed to the said notification of the Government of India (other than those in which the Governor General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the schedule hereto annexed, in so far as the same may be applicable.

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories

Provided, *secondly*, that the further modification set forth in the said Schedule shall be made in the said enactment as so applied

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court

THE SCHEDULE

Enactment applied

Further modification

<p>The Indian Penal Code (Act XLV of 1860)</p>	<p>To the Explanation to section 361 the following words shall be added namely —</p> <p>and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian, without the consent of such guardian, "if he is removed beyond the territorial limits of any State, or Taluka without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka"]</p>
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[Bombay Government Gazette, 1904, Pt I, p 751]

¹ Printed *supra*, p 63

² Substituted by Notification No 7585, dated the 24th November, 1905 Bombay Gazette, 1905, Pt I, p 1611

CATTLE-TRESPASS ACT, 1871 ¹

No 6412, dated the 20th September, 1919—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the ²notification of the Government of India in the Foreign Department No 2859-I A., dated 19th June, 1903, the Governor in Council is pleased to apply the Cattle-trespass Act, 1871, (I of 1871) to the Thana Circles and Administered Areas comprised within the Mahi Kantha Agency

[*Bombay Government Gazette*, 1919, Pt I, p 2250]

REVENUE RECOVERY ACT, 1890

No 1415-I , dated the 30th April, 1890—Printed in Appendix XIV.

EPIDEMIC DISEASES ACT, 1897

No 443-I A , dated the 4th February, 1897—Printed in Appendix XVI

INDIAN EXTRADITION ACT, 1903

No 4726, dated the 13th August, 1928—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification² of the Government of India, in the Foreign Department No 2859-I A , dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to direct that the provisions of section 8 (4) of the Indian Extradition Act, 1903 (XV of 1903), shall apply to the administered areas of the Mahi Kantha/Rewa Kantha Agency in order to enable the said Agency Courts to forfeit bail bonds executed by sureties in the case of offenders arrested in the said Agency and required for trial in British India, administered areas of other Agencies or an Indian State

[*Bombay Government Gazette*, 1928, Pt I, p 1672]

Indian Telegraph Act, 1885, and the Indian Railways Act, 1890, applied to the Ambaji-Taranga Light Railway line

No 7759, dated the 13th October, 1920—Not reprinted

[*Bombay Government Gazette*, 1920, Pt I, p 2876]

¹ The Cattle-trespass (Amendment) Act, 1921 (XVII of 1921), was applied to the Thana Circles and Administered Areas in the Mahi Kantha Agency by Notification No 5230/1/B, dated the 17th January, 1928 *Bombay Government Gazette*, 1928, Pt I, p 93

For orders under the Act as applied *see infra*, p 247

² Printed *supra*, p 68

EXPLOSIVE SUBSTANCES ACT, 1908

No 5702, dated the 25th August, 1908—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department, ¹No 2859-I A, dated the 19th June, 1903, the Governor in Council is pleased to apply the Explosive Substances Act, 1908 (VI of 1908), to all places within which the Governor in Council is authorised to make rules and orders by the said notification, including the Thana Circles and the Civil Stations,² [the Cantonments of Deesa and Bhuj], and the lands occupied by railways which are referred to in the notifications of the Government of India in the Foreign Department ³Nos 1082-I B, and 1083-I B, dated the 2nd March, 1900

Provided that all references to British India in the said Act shall be read as including all the places to which the said Act is hereby, or may hereafter be applied

[*Bombay Government Gazette*, 1908 Pt I, p 1323]

INDIAN LUNACY ACT, 1912

No 528-A, dated the 26th January,—9th February, 1923—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification ¹ of the Government of India in the Foreign Department, No 2859-I A, dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to apply the provisions of the enactment specified in the first schedule hereto annexed in so far as the said provisions may be applicable, and subject to any amendments to which the said provisions are for the time being subject in British India, to the areas specified in the first column of the second schedule hereto annexed, not being areas in which the provisions of the said enactment are already in force,

provided that in the enactment so applied the further modifications specified in the second column of the first schedule hereto shall be made,

¹ Printed *supra*, p 68

² The Cantonments of Deesa and Bhuj have been abandoned and jurisdiction has been restored to the Darbars

³ Superseded now by Notifications No 778, dated the 9th April, 1913, and Nos 483-I 484-I, 485-I, 486-I, 487-I, and 488-I, dated the 3rd October, 1924, and printed in Vol VIII (Western Division), whereby Act VI of 1908 has been applied to all railway lands in Western India over which jurisdiction has been ceded, including those of that Division in Baroda, Hyderabad and Mysore for which, though they are under the administration of the Bombay Government, powers under the Indian (Foreign Jurisdiction) Order in Council, 1902, have not been delegated to the Governor of Bombay in Council

provided secondly that in the enactment so applied references to British India should where so required be read as referring to the said areas specified in the first column of the second schedule hereto, and references to the Local Government, High Court, District Court and Collector as referring to the authorities and officers specified in the second, third, fourth and fifth columns, respectively,

provided thirdly that for the purpose of facilitating the application of the said enactment any Court in the said areas may construe the provisions thereof and any notifications, orders, rules, forms or by-laws thereunder with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court;

provided fourthly that the Magistrates specified in the sixth column of the second schedule hereto shall perform the functions of a Magistrate under clause (6) of section 3 of the said enactment and these Magistrates may, under section 85 of the said enactment, send lunatics round within the said areas to the Mental Hospitals specified in the seventh column of the second schedule hereto:—

FIRST SCHEDULE.

<i>Enactment applied</i>	<i>Further modifications</i>
The Indian Lunacy Act, 1912 (IV of 1912,	<p>(1) To section 3, sub-section 1, the following words shall be added — “and includes any asylum in the Presidency of Bombay, which the Governor of Bombay in Council [or the Agent of the Governor General in the States of Western India as the case may be] may by general or special order appoint”</p> <p>(2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of an Indian State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose applications the inquiry was instituted</p> <p>(3) In section 85, for the words “in any province” and “in any other province” respectively, the words “in the areas specified in the first column of the second schedule to Government Notification Political Department, No 528-A, dated the 26th January, 1923” and “outside the areas specified in the first column of the second schedule to Government Notification, Political Department, No 528-A, dated the 25th January, 1923,” shall be substituted</p>

¹[SECOND SCHEDULE]

Areas	Local Government	High Court	District Court	Collector	Magistrates	Mental Hospitals
1	2	3	4	5	6	7
All areas in the Kantha Warli Political Agency in which jurisdiction is exercised by the British Government,	Agent to the Governor General in the States of Western India	Judicial Commissioner in the States of Western India	District Judge	Political Agents	All First Class Magistrates	Ahmedabad Mental Hospital.
All areas in the Palanpur Political Agency in which jurisdiction is exercised by the British Government	Ditto	Ditto	Political Agent, Palanpur or Additional District Judge, Palanpur	Political Agent Palanpur	Deputy Political Agents	Ditto
All areas in the Mahi Kantha Political Agency in which jurisdiction is exercised by Government	The Governor of Bombay in Council	Commissioner, Northern Division	Political Agent	Political Agent	Ditto	Ditto
All areas in the Rewa Kantha Political Agency in which jurisdiction is exercised by Government	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
Civil Station and Residence of Kolhapur	Ditto	Commissioner Southern Division	Resident, Kolhapur and Political Agent, Southern Mahratta Country States	Resident, Kolhapur and Political Agent, Southern Mahratta Country States	Assistant Resident, Kolhapur and Assistant Political Agent, Southern Mahratta Country States	Central Mental Hospital, Yerwada.

[*Bombay Government Gazette*, 1923 Pt I, p 327]*Indian Boilers Act, 1923 (with the Indian Boiler Regulations 1924, and the Bombay Boiler Rules, 1924)*

No 2081, dated the 1st June, 1926 —In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council, in the notification² of the Government of India in the Foreign Department No 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to apply to the administered areas of the Mahi Kantha Political Agency, viz, the Thana Circles of

¹ Substituted by Notification No 471-I, dated the 3rd October, 1924 *Gazette of India, Extraordinary*, 1924, p 351

² Printed *supra*, p 68

Bawishi, Gadhwada, Katosan, Sabar Kantha and Vatrak Kantha, and the Sadra Bazar (hereinafter referred to as “the said territories”), the Indian Boilers Act, 1923 (V of 1923), and the Indian Boiler Regulations, 1924, published under the notification of the Government of India, Industries Department, No A-470, dated the 27th October, 1923, and the Bombay Boiler Rules, 1924, published under the notification of the Government of Bombay, General Department, No 4667-II, dated the 15th December, 1924, in so far as they may be applicable.

Provided, *first*, that references to British India in the said Act, Regulations, and Rules, as so applied, shall be read as references to the said territories

Provided, *secondly*, that references to the Collector in the said Rules shall be read as references to the Political Agent

Provided, *thirdly*, that the Chief Inspector appointed for the Bombay Presidency and the Inspector appointed for the Collectorates of Ahmedabad, Kaira Panch Mahals, Broach and Surat, by the Governor of Bombay in Council under section 5 of the said Act, shall for the purposes of the said Act, have the like authority over the said territories

Provided, *fourthly*, that for the purpose of facilitating the application of the said Act, Regulations and Rules, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adopt them to the matter before the Court

[*Bombay Government Gazette*, 1926, Pt I, p 1277]

¹*Applications of provisions of the Regulations of the Bombay Code*

Application of provisions of Bombay Acts

BOMBAY ABKARI ACT, 1878

No 7572, dated the 15th October, 1912 — The Governor in Council is pleased to direct that the Bombay Abkari Act (V of 1878), be extended to the limits of the Sadra Bazar, the Thana Circles and the following Talukas under Agency Management —

- (1) Mohanpur Taluka including the villages of Davli and Gadha.
- (2) Pethapur Taluka
- (3) Ilol Taluka
- (4) Valasna Taluka
- (5) Vadagam Taluka
- (6) Ramas Taluka

[*Bombay Government Gazette*, 1912, Pt I, p 1831.]

¹ By virtue of the Bombay Government Resolution No 933, dated the 13th February, 1894, the grant of Certificates of heirship in the Mahi Kantha Agency, under Bombay Regulation VIII of 1827 (Administration of Estates) is valid

*Bombay Land Revenue Code, 1879 Sections 86, 87 and 203 to 212
applied to the Thanas of the Agency*

*No 2052, dated the 28th March, 1911 —Not re-printed
(Letter of the Bombay Government)*

BOMBAY PREVENTION OF GAMBLING ACT, 1887

No 5198, dated the 26th September, 1927—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council, in the notification¹ of the Government of India in the Foreign Department, No 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to apply to the administered areas of the Mahi Kantha Political Agency, *viz*, the Thana Circles of Bawishi, Gadhwada, Katosan, Sabai Kantha, and Vatrak Kantha, and the Sadra Bazar (hereinafter referred to as "the said territories") the Bombay Prevention of Gambling Act 1887, (Bom. IV of 1887), in so far as the same may be applicable

Provided, *first*, that references to British India in the said Act, as so applied, shall be read as references to the said territories

Provided, *secondly*, that for the purpose of facilitating the application of the said Act, any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adopt it to the matter before the Court.

[*Bombay Government Gazette, 1927, Pt I, p 2254*]

*Bombay District Police Act, 1890, applied to the Mahi Kantha Agency
Police*

No 6290, dated the 1st October, 1910 —Not re-printed

[*Resolution of the Bombay Government*]

Mamlatdars' Courts Act, 1906, applied to the Thanas of the Agency

No 2052, dated the 28th March, 1911 —Not re-printed

[*Letter of the Bombay Government*]

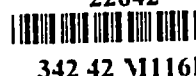
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Local Regulations

Publication of newspapers and other printed works

*No 2651-I, dated the 25th June, 1891 —Printed in Appendix
XVII*



Mahi Kantha and Rewa Kantha Agencies Encumbered Estate Rules, 1897

No 4264, dated the 8th July, 1897 —Preamble —Whereas it is expedient to provide for the relief of certain indebted Talukdars and Garasias in the Rewa Kantha and Mahi Kantha Agencies and the Palanpur Superintendency¹ and to maintain the existing status of such Talukdars and Garasias and at the same time to secure the punctual payment by them of tribute and other Government dues the following Rules have been made with the consent, approval and sanction of His Excellency the Governor in Council, and are hereby promulgated and shall come into force on and from the 1st September, 1897 —

Definition, "Estate-holder" —These rules may be applied to Talukdars at present exercising hereditary jurisdiction or whose names are entered in the tribute list or who hold and possess Estates on political tenure, subject to administrative charges, and to Garasias who can prove their direct descent from the ancestor of any such Talukdars and who are still in the possession of their own Garas Estates Any Talukdar or Garasia to whose Estate these rules may be applied is hereinafter designated the "Estate-holder"

I Recommendation for application of Rules to Encumbered Estate —Whenever it shall appear to the satisfaction of a Political Officer, not lower in rank than an Assistant Political Agent or Superintendent, from enquiries made either of his own motion or upon an application from a Talukdar or Garasia to whom these Rules are applicable, that any such Talukdar or Garasia is, either personally or in respect of his landed Estate, subject to debts or liabilities of such an amount that there is no reasonable anticipation that they can or will be liquidated in any other way, he shall recommend that these Rules be applied to the said Estate as an encumbered Estate

Proviso as to the Mahi Kantha Agency —Provided that no application from a tribute-paying Talukdar in the Mahi Kantha Agency shall make it incumbent on such Political Officer to take any proceeding under this Rule.

II Form, etc, of recommendation —Such recommendation shall be made in the form of a report, containing full particulars regarding the Estate and its liabilities and the inability of the Estate-holder to meet the liabilities, to the Political Agent or Political Superintendent, as the case may be

III. Notification of Encumbered Estate brought under management —The Political Agent or Political Superintendent, on receiving

¹ These Rules were superseded so far as they relate to Palanpur (now designated the Banas Kantha Agency and included in the Western India States Agency) by Notification No 45, dated the 18th June, 1926 *W I S Agency Gazette*, 1926, p 160,

the report prescribed by the last preceding Rule, and after satisfying himself that there is a reasonable case for applying these Rules may publicly notify that the said Estate is, from the date of such notification, an encumbered Estate and is placed under management, and will be dealt with in the manner provided by these Rules

Proviso as to duration of management—Provided that no management under these Rules shall extend beyond the period of twenty years from the date of the aforesaid notification. At the end of that time, all debts and liabilities, except Government dues, existing at the time of the said notification, and comprised in the scheme of liquidation hereinafter defined, shall be deemed to be fully discharged and satisfied for all intents and purposes whatsoever

IV *Appointment of Manager Vesting of Estate in Manager*—For every Estate so placed under management a Manager shall be appointed, who shall, unless the Political Agent or Political Superintendent in any case otherwise directs, be one of his Assistants. There shall vest in the Manager, for the purpose of administering the said encumbered Estate, all and every right to moveable and immoveable property of or to which the Estate-holder was on the date of the notification possessed or entitled, or which may thereafter, during the continuance of the management, be acquired by or devolve on him

Definition, "Moveable property"—Provided that the words "moveable property" in this Rule shall not be held to include household goods or wearing apparel required for the personal use of the said Estate-holder or any member of his family. The Estate-holder shall be bound to furnish a list of all moveable property in his possession, and the Manager may require that all surplus ornaments and other property in the possession of the Estate-holder shall be produced before him for disposal

V *Effect of notification, etc*—From the date of the aforesaid notification any proceedings pending in any Civil Court in respect to any debt or liability of the Estate-holder shall be stayed and the operation of all processes, executions and attachments of or by any Civil Court, then in force in respect of the Estate, shall become inoperative and so long as the Estate remains under management as an encumbered Estate, no fresh proceedings, processes, executions or attachments shall be instituted in or issued from or ordered by any such Court in respect of the Estate-holder's debts and liabilities

VI *Incompetency of Estate-holder to contract, etc*—From the date of the aforesaid notification the Estate-holder shall become and shall be, so long as the management continues, incompetent—

(a) to enter into any contract involving himself or the Estate in pecuniary liability,

(b) to mortgage, charge, lease or alienate the Estate or any part thereof;

(c) to grant valid receipts for the rents and profits arising or accruing therefrom

VII *Publication of notice to claimants against Estate.*—Within fifteen days from the date of his appointment, the Manager shall publish in such manner as may be most effective a notice in Gujarati calling upon all persons having claims against the Estate-holder or the Estate to present their claims in writing to the Manager within three months from the date of the publication of the notice. He shall also cause copies of the notice to be posted up in the Thanadar's kacheris in the district in which the Estate is situated

VIII—*Filing of claim*—Every claim so presented shall be in writing, shall be explicit, shall give all the particulars within the claimant's knowledge, and shall, wherever practicable, be supported by every document upon which the claimant relies. The Manager may refuse to accept documentary evidence not adduced with the statement of claim at the time when it was presented

IX *Entries in books*—If the document relied on be an entry in any book, the claimant shall produce the book to the Manager together with a copy of the entry. The Manager shall mark the book for the purpose of identification, and after examining and comparing the copy with the original and recording a certificate on the copy to that effect, shall return the book to the claimant, and the certified copy shall be kept with the statement of the claim

X. *Effect of not filing claim within prescribed time*—Every claim other than a claim by Government not filed within the time and in the manner prescribed in Rule VIII shall be deemed to have been duly discharged and shall be for ever barred.

Extension of time—Provided that it shall be within the competence of the Manager to allow to any claimant a further period of three months within which he may satisfy the Manager that he had good and sufficient reasons for not filing his claim within the prescribed period

Every order for allowing an extension of time under this Rule shall be recorded by the Manager in writing and in the form of a proceeding shewing his reasons for allowing the extension

When the Manager refuses to allow an extension of time under this Rule he shall record his reasons for such refusal in writing.

XI *Enquiry into claims*—When a claim has been duly presented, the Manager shall endorse the statement of claim in his own handwriting and number in its order of priority. As soon as the period within which claims may be presented has expired, the Manager shall, without delay, enquire, in their due order so far as may be, or other-

wise, as may best suit the public convenience, into all the claims that have been presented against the Estate

XII Nature of enquiry—Subject to the provisions of Rule XX such enquiries shall, in all cases, be conducted in accordance with the following principles —

- A The first point to be ascertained, wherever possible, shall be the amount of the principal sum originally lent by each creditor. The history of each claim should be studied carefully and traced as accurately as possible with a view to obtaining such information
- B When the Manager has satisfied himself as to the amount or approximate amount of the principal he shall allow upon it 6 per cent simple interest per annum from the date of the loan to the date of the notification issued under Rule III, and the aggregate sum so arrived at, and nothing more, shall be the sum awarded under these rules provided that in no case shall the amount of the interest awarded be in excess of the principal
- C If owing to the deficiency of the income of the Estate, it cannot provide for all debts or cannot pay the interest due at the prescribed rate within the aforesaid period of 20 years, such reduction shall be made (1) in the rate of interest, and (2) in the admitted principal debt, as may be necessary for the proportional liquidation of all debts in their several orders within the said specified period
- D If it appear that the debt was incurred by the predecessor in title of the Estate-holder without his concurrence and was not subsequently recognized by the Estate-holder, the claim shall be dismissed

Provided that in cases in which the Estate-holder is a minor it shall rest with the Political Agent or Superintendent to recognize any debts which may seem to him reasonable

XIII Dismissal of claim—If it appear that the interest already received by any claimant amounts to double the principal, or to the principal plus 6 per cent compound interest, the claim shall be dismissed.

XIV Procedure—Subject to the above general principles, the investigation and settlement of all points of detail shall rest with the Manager. The procedure to be followed shall, as nearly as may be convenient, be the procedure followed by Civil Courts in adjudicating upon civil claims. But the Manager will always have considerably more latitude than a Civil Court in dealing with evidence, as, for instance, in going behind bonds for the purpose of ascertaining what sums were really advanced to the Estate-holder

XV *Investigation of merits of claim*—Subject to the provisions of Rule XX, the Manager will carefully investigate the real merits of every claim and satisfy himself that, where a debt appears to be for value received, value really was received and that where a debt appears to be for service rendered, the service was rendered and was equivalent to the money value sought to be recovered

XVI *Refusal to award interest if accounts unsatisfactory*—It shall be within the competence of the Manager to refuse to award interest in any case when he finds that the accounts are not satisfactory. When the advance of the principal cannot be satisfactorily traced, a deduction of 50 per cent is to be made from the amount of the debt as it appears at the time when first there is satisfactory proof of it.

XVII *No interest payable in absence of express provision*—In absence of a special provision for interest, no interest shall be allowed.

XVIII—*Disallowance of interest in certain cases*—All payments made by the Estate-holder to the claimant, or profits which have been enjoyed by such creditor towards the liquidation of any debt or liability, shall be deducted from the principal sum of the debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from the time of such payment or enjoyment, and the Manager shall be empowered to decide on the amount of profits realized under such enjoyment, after examining such proofs as are presented to him.

XIX *Appointment of Committee of Enquiry*—The Manager may, with the previous sanction of the Political Agent or Political Superintendent, appoint, with such rates of remuneration as may be reasonable, a Committee of three native gentlemen of experience, two at least of whom shall not be in the service of the Agency to assist the Manager in deciding what claims are admissible and to what amount under these Rules, any expenditure incurred under this Rule shall be deemed to be a part of the expenses of management.

XX *Recognition of decree of Civil Court*—In any case where debts have been awarded against the Estate-holder by the decree of a competent Civil Court before the Estate was declared to be an encumbered Estate, the Manager shall accept the decree as conclusive proof of the amount therein awarded. Provided that—

- I The Manager shall be empowered, if he has reasonable ground for believing that the amount decreed is more than twice the amount of the original debt, to go behind the decree and enquire into the history of the transaction, with liberty to reduce the amount of the claim to such sum as will represent the original debt, *plus* interest thereon to an equal amount, *minus* any sums paid on account, in satisfaction either of principal or interest.

II The Manager shall be empowered, in preparing the liquidation scheme under Rule XXIII to reduce the decretal amount in conformity with a general rateable reduction of all debts due by the Estate-holder

III The Manager shall likewise be empowered to reduce the rate of interest awarded by the Court which made the decree to the same general rate of interest as is allowed by Rule XII

XXI *Liquidation of debts*—Debts shall be liquidated in order of priority subject to the following provisos —

(a) Debts secured on the Estate shall take precedence of all debts not so secured

(b) Decreed debts shall take precedence of bonded and account debts

(c) Bonded debts shall take precedence of account debts

(2) Provided also that all debts shall be liable, in case of necessity, to rateable reduction under Rule XII, clause C

XXII *Application of Limitation Law and Registration Rules*—In dealing with all claims against an encumbered Estate, the Manager shall be guided by the Limitation Law, if any, and the Registration Rules, if any, for the time being in force in the Agency or Superintendency Courts, so far as they may be applicable

XXIII “*Liquidation Scheme*”—As soon as the total amount of debts and liabilities has been finally ascertained, the Manager shall, without delay, prepare and submit to the Political Agent or Political Superintendent a schedule of such debts and liabilities in the order in which it is purposed to pay them off, and a scheme to be called “the Liquidation Scheme,” showing the manner in which it is proposed to pay and discharge the said debts and liabilities out of the available revenues of the Estate, after making provision for all expenses incidental to the management, including the payment of Government tribute and other dues, charges for establishment, repairs and improvements, allowance for the maintenance and education of members of the Estate-holder’s family, and for necessary ceremonial observances

XXIV *Sanction and publication of Scheme*—The Political Agent or Political Superintendent may, thereupon immediately, or after such further enquiry as he may direct, sanction the Liquidation Scheme in the form of which he finally approves. And the Political Agent or Superintendent shall thereupon, without delay, publish the Liquidation Scheme in the most effective manner with a notification that he has sanctioned it

XXV *Effect of notification*—The effect of such public notification shall be to extinguish finally all debts other than Government dues owned by the Estate-holder and every claimant shall be entitled to receive

under the Liquidation Scheme, the amount (if any) finally awarded to him therein, in respect of his claim and nothing more

Provided, however, that if the condition of the Estate shall at any subsequent period during the management be found sufficiently prosperous to justify payments considerably larger than those awarded in liquidation of debts, nothing in these Rules shall be deemed to debar the Political Agent or Political Superintendent from making a supplementary award on the general principles hereinbefore approved

XXVI *Recovery of mortgaged property*—The Manager shall be empowered to require any mortgagee in possession of any part of an encumbered Estate to deliver up his possession to the Manager at the close of the revenue year during which the Estate came under these Rules, and on failure of the mortgagee so to surrender possession, to summarily evict him, or any person obstructing or resisting on his behalf, from the said portion of the encumbered Estate

Nothing in this Rule shall be held to affect the right of such mortgagee to receive under the liquidation scheme the amount (if any) awarded to him

¹[XXVII *Death of Estate-holder*—If the Estate-holder dies after these rules have been applied to his Estate, and before the management has terminated, all claims against the Estate shall be extinguished except.—

(a) Government debts

(b) Debts which may have received the approval of the Political Agent, as described in Rule XII (D)

Provided that the Political Agent may, notwithstanding, after such enquiry as he may think fit, approve retrospectively and allow any claim in respect of a debt incurred in the indisputable interest of the family or Estate]

XXVIII *Appeal against Manager's act or order*—An appeal from any act done or order made by the Manager shall lie within six weeks to the Political Agent or Political Superintendent and the order passed on such appeal shall be final.

XXIX *Establishment of auditors and others*—The Manager shall be assisted by a sufficient establishment of auditors, sub-managers and other subordinates, and may depute to them such duties as the Political Agent or Political Superintendent may determine. Provided that all such subordinates as may be entrusted with the collection or custody of money shall furnish adequate security. The Estate-holder or any member of his family shall, with the Political Agent's or Political Superintendent's sanction, be eligible for employment under this Rule

XXX *Manager and subordinates to be "public servants"*—*Manager's proceedings deemed to be "judicial proceedings"*.—

¹ Substituted by Resolution of the Bombay Government, No 6058, dated the 8th August, 1921

Every Manager appointed under these Rules and every subordinate of such Manager shall be deemed to be a public servant within the meaning of the Indian Penal Code. And every investigation conducted before a Manager in respect to any claim preferred under these Rules, or to any matter connected with such claim shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code.

XXXI Suits barred in respect of bonâ fide act under Rules—No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* in pursuance of these Rules.

XXXII Summoning of witnesses and production of evidence—For the purpose of any inquiry under these Rules the Manager may summon and enforce the attendance of witnesses, and may compel them to give evidence, and compel the production of documents and accounts by the same means and as far as possible in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

XXXIII Saving of jurisdiction of Agency and Superintendency Courts—Nothing in these rules shall exclude the jurisdiction of the Agency or Superintendency Courts in suits relating to the succession to or to a coparcenary interest in any Estate to which these rules have been applied. Provided that in all such suits the Manager of the said immoveable property shall be made a party to the suit, and that no Court shall entertain any such suit without the sanction of the Political Agent or Political Superintendent.

XXXIV Ordinary powers of Manager—During the period of management the Manager shall ordinarily exercise the same powers in respect to the encumbered Estate as the Estate-holder formerly exercised. He shall conduct the management under the control of the Political Agent or Political Superintendent and will in all cases submit for his information and approval such estimates, accounts and other returns as the Political Agent or Superintendent may require.

XXXV Relinquishment of management—At any time before he has sanctioned a liquidation scheme under Rule XXIV the Political Agent or Superintendent may publicly notify that on a date fixed by such notification the management shall be relinquished.

On the date so fixed—

- (a) the management shall terminate
- (b) the owner of the property under management shall be restored to the possession thereof subject to any leases made,
- (c) any residue of the rents and profits of the said property shall be paid to him, and
- (d) the proceedings, processes, executions and attachments stayed and suspended under Rules V and X and the debts and liabilities barred by Rule X shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded

Proviso as to Rewa Kantha and Mahi Kantha Agencies—Provided that this Rule is not applicable to, and shall not be applied to, any Estate in the Rewa Kantha Agency, and that nothing in this Rule shall render any tribute-paying Estate in the Mahi Kantha Agency liable to any proceedings, processes, execution, or attachments to which it would not otherwise be liable

XXXVI—*Termination of management*—When the debts and liabilities mentioned in the liquidation scheme have been paid and discharged as therein provided, or extinguished under Rule XXVII, the Political Agent or Superintendent, as the case may be, shall, unless the Estate-holder (or his successor in interest) is then a minor, upon a report from the Manager, publish a notice fixing a date for the termination of the management. In cases in which the Estate-holder (or his successor in interest) is a minor the date to be fixed for the termination of the management shall not be earlier than that on which the minority will terminate

XXXVII *Restoration of Estate to Estate-holder*—On the date so fixed the management shall terminate and the Estate-holder (or his successor in interest) shall be restored to possession and enjoyment of his Estate

¹[XXXVIII No suit shall lie against any estate which shall have been under management under these rules on any contract, agreement, or renewal bond entered into or executed after the termination of such management, if the original consideration for the said contract, agreement or renewal bond was any debt owed by the estate-holder during the period of management, or any promise made by him during the said period, or the payment of any sum or the incurring of any obligation for or on behalf of the said estate-holder or any member of his family during the said period, unless such contract, agreement or renewal bond was made by the order or with the previous written approval of the Political Agent, and in any suit by or against an estate-holder on any such contract, agreement, or renewal bond, the Court shall have power notwithstanding any recitals in the documents, to enquire into the nature of the consideration for such contract, agreement, or renewal bond]

²XXXIX

* * * *

[*Resolution of the Bombay Government*]

¹ Added by Bombay Government Resolution No 5255, dated the 31st July, 1919

² Added by Notification No 471-I, dated the 3rd October, 1924 *Gazette of India, Extraordinary*, 1924, p 351, and superseded by Notification No 45, dated the 18th June, 1926 *W I S Agency Gazette*, 1926, p 160

Arms Rules 1901.

No 7745, dated the 7th November, 1901—Rules for the regulation of the manufacture, conversion, sale, import, export and transport of arms, ammunition and military stores, in certain parts of the Mahi Kantha Political Agency

I—Preliminary

Application

1 These rules shall apply to (a) the Civil Station, Sádra, (b) all Thana Circles and petty jurisdictional Talukas subordinate to them, and shall come into force from the 1st January 1904, from which date all other existing orders, notifications, rules or regulations on the same subject in force shall be repealed, provided that all continuing authorities, permissions, licenses and exemptions in existence on the said date, which are in accordance with these rules, shall be held to have been granted and issued under these rules

Commencement .

Definitions . . .

2 In these rules “cannon” includes also all howitzers, mortars, wall pieces, mitrailleuses and other ordnance and machine guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same

“Arms” includes firearms, bayonets, swords and daggers, also cannon and parts of arms and machinery for the manufacture or repairs of arms or portions of arms

“Ammunition or military stores” includes also all articles specially designed for torpedo service and submarine mining, rockets, gun cotton, dynamite, lithofracteur and other explosive or fulminating material, gun flints, gun wads, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, and includes sulphur in quantity more than ten pounds weight, leaden bird shot and bullets when possessed in quantities exceeding one hundredweight at any one time, but not lead or saltpetre

“ Import ” means transmission from any place beyond to any place within the limits to which these rules apply

“ Export ” means transmission from any place within to any place beyond the limits to which these rules apply

“ Transport ” means the transmission through the limits to which these rules apply from and to places to which they do not apply

“ License ” means a license granted under these rules or by competent authority under the Indian Arms Act

“ Pass ” means a written permission granted to transport under these rules arms ammunition or military stores not covered by a license

“ Parwana ” means a permit to manufacture, convert or sell arms or ammunition

II.—Manufacture, Conversion and Sale

Unlicensed manufacture, conversion, repair and sale prohibited

3 No person shall manufacture, convert, repair or sell or keep, offer or expose for sale any arms, ammunition or military stores except under a license granted under these rules in the manner and to the extent permitted thereby But nothing herein contained shall prevent any person from selling any arms or ammunition which he possesses *bonâ fide* for his own private use to any person, provided always that no such sale shall be effected until the permission of the Assistant to the Political Agent has been obtained

License to manufacture and convert

4 Licenses to manufacture or convert arms or manufacture ammunition may be granted by the Political Agent But such manufacture or conversion shall be restricted to the limits of the Agency Stations and Thanas

License to repair or sell.

5 Licenses to repair or sell or keep or expose for sale arms or ammunition may be granted by the Political Agent

These licenses shall be in the forms annexed to these rules.

Licenses to manufacture, sell or keep sulphur	6 No person shall manufacture or keep in his possession or sell more than 10 lbs. of sulphur at a time except under a license granted by the Political Agent
Register of stock	7 Every holder of a license under Rules 4, 5 and 6 shall keep a correct and true register in the Form E and shall show in it correctly all stocks, manufactured and receipts and all sales of arms and ammunition or sulphur in his possession. He shall exhibit this register, when called upon to do so, to any Magistrate or to any Police officer not below rank of Chief Constable
Inspection of premises	8 Any Magistrate or Police officer, not below the rank of a Chief Constable, may at all reasonable times enter and inspect the premises of any person licensed to manufacture, convert, repair, sell or keep arms, ammunition or sulphur under these rules, and every such person shall be bound to exhibit the entire stock of arms, ammunition or sulphur in his possession or under his control and all accounts and records relating thereto
Board to be affixed to shops of licensed vendors	9 Every person licensed to manufacture, convert, repair, or sell arms, ammunition or sulphur under these rules shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon in large letters in English and Gujarati his name and the words "Licensed to manufacture" or "Licensed to deal in arms, ammunition and sulphur"
Revocation of license	10 The Political Agent may at any time, for reasons to be recorded in writing, cancel or suspend the license of any manufacturer or vendor under these rules
Sale by licensed vendors	11 No manufacturer or licensed vendor shall sell arms or ammunition except sulphur in reasonable quantities, not exceeding 10 lbs in weight, for medicinal purposes without the written permission of the Assistant to the Political Agent to any person and then only to such limited amount as may be sanctioned by the Political Agent.

III—Import, Export and Transport.

- | | |
|--|---|
| Unlicensed importation from beyond Mahi Kantha prohibited | 12 All importation of arms, ammunition or military stores from places beyond Mahi Kantha is forbidden except under a license granted by the Political Agent or by competent authority in British India under the provisions of the Indian Arms Act |
| Unlicensed importation from other places within Mahi Kantha prohibited | 13 All importation of arms, ammunition or military stores from places within Mahi Kantha, but beyond the limits to which these rules apply, is forbidden except under a license granted by the Political Agent |
| Unlicensed exportation to places beyond Mahi Kantha prohibited | 14 All exportation of arms, ammunition or military stores to places beyond Mahi Kantha is forbidden except under a license granted by the Political Agent |
| Unlicensed exportation to other places within Mahi Kantha prohibited | 15 All exportation of arms, ammunition or military stores to places within Mahi Kantha, but beyond the limits to which these rules apply, is forbidden except under a license granted by the Political Agent. |
| Transportation without a license or pass prohibited | 16. All transport of arms, ammunition or military stores through the limits to which these rules apply from and to places to which they do not apply not otherwise covered by a license is forbidden except under a pass granted by the Political Agent |

IV—Penalties.

- | | |
|------------------|--|
| Punishment . . . | 17 Whoever commits any of the following offences, <i>viz</i>
(a) manufactures, converts, repairs, sells or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provision of Rule 3 or breaks any of the conditions of a license granted under Rules 4 and 5,
(b) intentionally makes any false entry in the register which by Rule 7 he is required to keep, or
(c) intentionally fails or refuses to exhibit anything which by Rule 7 or 8 he is required to exhibit, or to keep a board affixed to his premises as required by Rule 9, or |
|------------------|--|

(d) sells arms or ammunition in contravention of Rule 11, or

(e) imports, exports or transports any arms, ammunition or military stores in contravention of the provisions of Rules 12, 13, 14, 15 and 16,

shall be liable, on conviction before a Magistrate of not lower than the second class, to imprisonment for a term which may extend to three years or to fine which may extend to 1,000 rupees or to both, and the arms, ammunition or military stores in respect of which the offence may have been committed, as also any cart or baggage animal used to convey the same shall be liable to confiscation

Punishment for breach of rules not otherwise provided for

18 Any person violating any of these rules for the violation of which no penalty is provided by these rules shall be liable, on conviction before any Magistrate, to imprisonment for a term which may extend to one month or to fine which may extend to two hundred rupees or both

Miscellaneous

Search of suspected premises

19 Whenever any Magistrate has reason to believe that any unlicensed person has in his possession for sale arms or ammunition, or is keeping upon his premises without permission more than 40 lbs of sulphur, he may, after recording in writing the grounds of his belief, cause a search to be made of the house or premises in which he believes such arms, ammunition or sulphur are, and, if found, may seize and confiscate them

Seizure

20 If any person is importing or exporting arms, ammunition or military stores without a license or is transporting them without a pass, such arms, ammunition or military stores may be seized by any Magistrate, Police officer Police patel or by any person acting under their orders

Rewards to informers

21 (a) The Magistrate who has tried the case or any other Magistrate to whom he is subordinate may award up to one-half the

amount of any fine inflicted under these rules and up to one-half the sale price of any confiscated articles sold under these rules to any person who has given information leading to a conviction

(b) Cases in which no fine is inflicted or in which it appears desirable to give a reward larger than is provided for above shall be submitted for the orders of the Political Agent by or through the Assistants to the Political Agent

Sanction for prosecution necessary.

22 No prosecution under these rules shall be instituted except under the orders or with the sanction of the Assistants to the Political Agent

Powers to make subsidiary rules.

23 The Political Agent may from time to time make rules not inconsistent with these rules to determine the forms in which and the terms and conditions on and subject to which any license, pass or Parwana shall be granted, under these rules, and may by such rules among other things,—

(a) fix the period for which licenses, passes or Parwanas shall continue in force,

(b) fix the fee payable by stamp or otherwise for the said licenses, passes or Parwanas;

(c) direct the holder of the license to keep a record or account in a prescribed form, and exhibit the same when called upon by an officer of Government to do so;

(d) direct him to produce or account for the arms or ammunition when called upon to do so

Reservation clause

24 Nothing contained in these rules shall be deemed to affect any orders or notification published under the authority of the Bombay Government which are at present in force or which may hereafter be brought into force on this subject.

A

License to import Arms, Ammunition or Military Stores into Mahi Kantha

Name and address of License holder	Number of packages	Arms		Ammunition and Sulphur		Purpose for which required	Value of the cheapest firearms per piece	Place where articles are to be deposited or to which they are to be despatched	Period for which the license is valid
		Description	Number	Description	Weight in seers or number				
									From—The To—The

Dated

19

}

Signature

B

License to export Arms, Ammunition or Military Stores from Mahi Kantha

Name, etc., of License holder and Agent, if any	Number of packages	Arms		Ammunition or Military Stores		Place of despatch and route	Purpose for which consign- ment is required.	Destination	Name and residence of consignee	Period for which the license is valid
		Description	Number	Description	Weight or number					
										From—The To—The

Dated

19

}

Signature.

C

License to manufacture or convert Arms and Ammunition.

Name, etc., of License-holder and place of residence	Place of business, factory and shop	Description of arms	Description of ammunition	Date on which license expires.
				The 31st December 19 .

Dated

19 . }

Signature.

D

License to repair, sell, keep, offer or expose for sale Arms and Ammunition in

Name, etc., of License-holder and place of residence	Place of business, factory and shop	Description of Arms		Description of ammunition to be kept and sold	Date on which license expires
		to be repaired	to be kept and sold		
					The 31st December 19 ,

Dated

19 . }

Signature.

Rules for refund of value, or exchange of Court-fee stamps and labels

No. 6359, dated the 17th September, 1906—His Excellency the Governor in Council is pleased to direct that effect shall be given to the following rules in all Political Agencies of the Bombay Presidency:—

1. (a) When any person is possessed of impressed Court-fee stamps for which he has no immediate use or which have been spoiled or rendered unfit or useless for the purpose intended, or
- (b) when any person is possessed of two or more (or in the case of denominations below Rs 5, 4 or more) Court-fee adhesive labels which have never been detached from each other and for which he has no immediate use, the Political Agent shall, on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Political Agent's satisfaction that they were purchased by him with a *bonâ fide* intention to use them, that he has paid the full price thereof and that they were so purchased, or in the case of impressed Court-fee stamps so purchased, spoiled or rendered useless, within the period of six months preceding the date on which they are so delivered

2 When a licensed vendor surrenders his license or dies, the Political Agent may, at his discretion, if he considers that the circumstances justify the application, repay to him or his representatives, as the case may be, the values of stamps and labels not spoiled or rendered unfit for use, returned into the Political Agent's store, deducting one anna in the rupee, or he may issue stamps and labels of other value in exchange, provided that in the case of adhesive Court-fee labels their value may not be refunded nor stamps and labels of other values issued in exchange unless in cases where the value of each label is not less than Rs. 5 there are at least two such labels which have never been detached from each other, and in cases where the value of each label is less than Rs. 5 unless there are at least four such labels which have never been detached from each other.

[*Bombay Government Gazette*, 1906, Pt I, p 1209]

Form of sale proclamation to be used by Agency Civil Courts.

No 7280, dated the 25th October, 1906—The Governor in Council is pleased to direct that where an Agency Court acting on the Civil side is under the necessity of preparing a proclamation of a sale, the proclamation should be prepared in the Form A annexed to this Circular.

If, in the case of a Hindu judgment-debtor, it is desired to sell the interest of any other member of the family (*e g.*, that of a minor son or

Immoveable Property

1	2	3	4	5	6	7	8
Lot number	Description of lot, including local situation, supposed or estimated rent or annual value, and, if leased, for how long, on w. at terms, and to whom	Survey number, municipal number or other fiscal designation	Government revenue including local cess any other known fiscal charge resting on the lot	Present occupant, if known	Mortgage or lien subject to which attachment has been continued and sale is to be made under sections 282 and 29, of the Code of Civil Procedure	Right charges and claims to which the lot is supposed to be liable after enquiry under section 87 of the Code of Civil Procedure with reference to annexed list	List or claims to raise attachment rejected wholly or in part under section 278 of the Code of Civil Procedure

FORM B.

1	2	3	4	5	6	7	8	9	10
Name of claimant	Numbers of lots and description of property attached in which an interest is claimed	Nature and amount or money value of claim	Documents, if any, by which such claim is supported (<i>Note</i> —In this column are to be entered the names of persons by whom and in whose favour each document was executed, and the amount of any sum as a charge or as mortgage money, or consideration, set forth in the document)	Date of execution and of registration of each document (<i>Note</i> —As to the documents which have not been registered a remark to that effect is to be entered in this column)	Whether the claim advanced or any and what part thereof, is admitted or denied by the judgment debtor and by the judgment creditor	Documents adduced by judgment debtor with reference to said claim	Date of execution and registration of the same	Documents adduced by judgment creditor with reference to such claim	Dates of execution and registration of the same.

Mahi Kantha Agency Political Court Rules, 1907.

No 5044, dated the 18th July 1907—In exercise of the power and jurisdiction delegated by the Government of India, Foreign Department, Notification¹ No 2859-I A dated 19th June 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased, in supersession of all previous rules on the subject, to prescribe with effect from 1st September 1907 the following Rules for defining the jurisdiction (original and appellate) to be exercised by the Courts of the Mahi Kantha Agency, for regulating the right of appeal, limitation by time and payment of Court-fees by parties in regard to political suits and appeals

I—COURTS.

The Courts of the Mahi Kantha Agency, which are empowered to hear and dispose of political suits or appeals, are—

- (1) The ²Assistant Political Agent's Court
- (2) The Political Agent's Court

II—JURISDICTION OF COURTS

2 The following suits should ordinarily be considered political —

- (1) Suits to which Chiefs from 1st to 3rd class may be a party
- (2) Cases affecting the interests of the tributary Chiefs of whatever class in regard to sovereign rights, jurisdiction, tribute or allied payments, maintenance to the members of the Chief's family, compensation for injury done by outlaws or highway robbers (Waltar), territory, boundaries, political status or prerogative

Explanation—Claims for inheritance or partition of estates in the families of Chiefs, other than those specified in clause 1 above, should ordinarily be heard as civil suits, but this does not include cases which raise the issue of a right to succession to a Chiefship to which jurisdictionary powers are attached, or an issue of inheritance to, or partition of, any estates in which a jurisdictional Chief or tribute-paying Talukdar has an interest, direct or indirect

3 The Court of the Assistant Political Agent, Mahi Kantha, possesses an original jurisdiction in political suits of all descriptions without limit as to value

4 Political suits should be filed in the Court of the Assistant Political Agent, Mahi Kantha (whose jurisdiction for such purpose extends in the whole Agency in which the cause of action arises as the lowest Court

¹ Printed *supra*, p 62

² The powers of the Assistant Political Agent are now exercised by the Deputy Political Agent, *see Bombay Gazette*, 1925, Pt I, p 369

competent to try them), but the Political Agent may transfer a suit for trial from the Court of the Assistant Political Agent to his own Court, if considered necessary

5 If the Assistant Political Agent considers that a suit which has been filed as a political suit should be heard as a civil suit, he shall refer the question to the Political Agent, whose decision, subject to the general or special orders of Government, shall be final. Any party to a suit may also apply to the Political Agent for an order that a political suit shall be heard as a civil suit

III —APPEALS

6 An appeal shall lie from the decision of the Assistant Political Agent's Court to the Court of the Political Agent, Mahi Kantha

7 A further appeal shall lie to the Governor in Council in all political cases

IV —LIMITATION

A

Appeals to the Political Agent, Mahi Kantha

8 The period for presenting appeals to the Court of the Political Agent from the decisions and orders of the Assistant Political Agent in political cases of which the matter in litigation is of a kind that would ordinarily form the subject of a civil suit or matter for orders by civil courts, shall be limited to sixty days with the same qualifications as to the calculation of the period as apply to ordinary civil cases

9 Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of four months will be allowed, with such further extension in any case as in the judgment of the Political Agent may appear just and reasonable

B

APPEALS TO GOVERNMENT

10 The period for presenting appeals to Government from the decisions of the Political Agent in political cases, of which the matter of complaint is either of an administrative or miscellaneous nature or of a kind, which would ordinarily form the subject of a civil suit or matter for orders of Civil Courts as between private individuals, shall be ninety days with the same qualifications as to the calculation of the period as apply to ordinary civil cases. All applications to Government for review of a decision by Government shall be governed by a like limitation

11 Where such questions as sovereignty, jurisdiction, tribute, territory, political status or prerogative are involved, a period of six months will be allowed for the presentation of an appeal against the decision of the Political Agent, but the appellant must obtain a certificate from the

Political Agent within thirty days of receipt of his decision that the case is of a nature which entitles it to this extended period of limitation

N B—It must be borne in mind that while periods to limit the right of appeal in political cases are prescribed so as to bind the parties, the Governor in Council reserves discretion to direct at any time further enquiry in any political case or matter if it appears to him that there are good grounds for doing so

V —MANNER OF SUBMITTING APPEALS AND REJOINDERS

12 Appeals to the Governor in Council shall be submitted to the Political Agent in triplicate, accompanied by authenticated copies of the judgments and decrees of both the Lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on in appeal

13 The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government. If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within thirty days from the service of such notice provided that such time may be extended to ninety days in all at the discretion of the Political Agent

VI —COURT FEES

14. No Court-fee for the institution or filing of political suits or appeals or applications at any stage of the proceedings connected therewith shall be levied from the parties concerned. Provided that when—

- (a) the suit is brought by any unprivileged person whose claim is rejected or otherwise fails, and
- (b) the Court which passes the final decision considers that such claim was false and vexatious or that there was no reasonable or probable ground for the same

such Court may order the recovery from such unprivileged person of Court-fees for the institution of the suit at the rates which would be leviable under the scale of the fees for the time being in force under the Agency Civil Court Rules

[*Bombay Government Gazette*, 1907, Pt I, p 1218]

Mahi Kántha Agency Registration Rules, 1913

No 1271, dated the 22nd February, 1913—The following rules for the registration of documents in the Mahi Kántha Agency are published for general information —

MAHI KANTHA AGENCY REGISTRATION RULES

In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department, notification¹ No 2859-I A, dated

the 19th June 1903, and all other powers enabling him in this behalf the Governor in Council is pleased in supersession of all previous rules and orders on the subject to prescribe the following rules for the registration of documents in the Mahi Kántha Agency

1 These rules shall come into force from the 1st of April 1913 and shall be made applicable within the limits of all the Thana Circles, managed Estates and Talukas. They shall also be applicable within the limits of all other Talukas directly administered by the Talukdars in which the Political Agent or his Assistants exercise residuary jurisdiction, but with regard to those documents only the value of which is beyond the ordinary civil jurisdiction of such Talukdars

2 In these rules unless there is anything repugnant in the subject or context —

- (1) "Immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass,
- (2) "lease" includes a counterpart *habulyat*, an undertaking to cultivate or occupy and an agreement to lease,
- (3) "minor" means a person who according to the personal law to which he is subject, has not attained majority,
- (4) "moveable property" includes standing timber, growing crops, and grass, fruit upon and juice in trees and property of every other description, except immoveable property, and
- (5) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot

¹[3 The Huzur Deputy Political Agent shall be Registrar in the Mahi Kántha Agency and shall register all documents for the civil station of Sadia and in respect of Thana Circles all documents of value beyond the civil powers of Thandais, and in respect of the jurisdictional States and Talukas all documents of value beyond their Civil jurisdiction. The Thandais shall be Sub-Registrars in their own areas and shall register documents of value not exceeding their civil powers. Managers and Japtidais of jurisdictional Talukas under Agency management shall be Sub-Registrars in their own areas and shall register documents of value not exceeding their civil powers.]

4 The following documents shall be registered —

- (1) Instruments of gifts of immoveable property
- (2) Other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish whether in

¹ Substituted by Notification No 2818, dated the 26th August, 1925 *Bombay Government Gazette*, 1925, Pt I, p 2300

present or in future any right, title or interest whether vested or contingent of the value of Rs 100 and upwards to or in immoveable property

- (3) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest, and
 - (4) Leases of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent
- 5 Any of the undermentioned documents may be registered—
- (1) Instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent of a value less than Rs 100 to or in immoveable property
 - (2) Instruments acknowledging receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest.
 - (3) Leases of immoveable property for any term not exceeding one year
 - (4) Awards relating to immoveable property
 - (5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title to or in moveable property
 - (6) Acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale, bonds, composition-deeds, contracts, grants, instruments of dissolution of partnership, instruments of partition, powers of attorney, promissory notes, releases, settlements, writings of divorce-ment, wills and all other documents not hereinbefore mentioned

6 The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest them with their signatures or initials. If he registers such document, he shall at the time of registering the same, make a note in the register of such blank or alteration

7. No document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Houses in towns shall be described as situated on the north or other side of the street to which they front other houses and lands shall be described by their name, if any, situation, area, and the roads and other properties on which they abut. If the description is sufficient to identify the property, the document may be registered

8 No document shall be accepted for registration unless presented for the purpose to the proper officer within four months from the date of execution. Provided that where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution. If owing to urgent necessity or unavoidable accident any document is not presented for registration within the above period, the Registering Officer in cases where the delay does not exceed four months, may direct that on payment of a fine not exceeding ten times the proper registration fee, the document shall be registered.

9 The document presented for registration should be either in English or in Gujarati. A document in any other language should not be registered unless it is accompanied by an authorized translation of the same in Gujarati and also by a true copy.

¹[10 Every document mentioned above shall be presented for registration in the office of the Registrar or Sub-Registrar within whose district or sub-district the whole or some portion of the property is situate. The Huzur Deputy Political Agent shall register documents for the civil station of Sadra and those of a value beyond the civil Jurisdiction of the jurisdictional Taluka or Talukas under his charge and the States and Talukas under the direct charge of the Political Agent.]

11 Every document to be registered under these rules shall be presented at the proper registration office by persons executing ²[or] claiming under the same or by their representative or assign.

12 The Registering Officer shall thereupon inquire whether or not such a document was executed by the persons by whom it purports to have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document and in the case of any person appearing as representative or assign or agent satisfy himself of the right of such persons so to appear.

13 If all the persons executing the document appear personally before the Registering Officer and are personally known to him or if he be otherwise satisfied that they are the persons they represent themselves to be and if they all or their representatives admit the execution of the document, the Registering Officer shall register the document.

14 If all or any of the persons by whom the document purports to be executed deny its execution or if any such person appears to be a minor, an idiot or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document and give a written reply to the party applying for registration stating his reasons for making the refusal.

¹ Substituted by Notification No 2818, dated the 26th August, 1925 *Bombay Government Gazette*, 1925, Pt I, p 2300

² Substituted by Notification No 2818, dated the 23rd January, 1925 *Bombay Government Gazette*, 1925, Pt I, p. 331

15 Any person claiming under the document may within thirty days after the making of the order of refusal, apply to the Political Agent's Court by petition in order to establish his right to have the document registered

16 The petition shall be dealt with as a plaint under the Code of Civil Procedure

The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, and shall after due inquiry pass such order as it thinks proper

17 Where a document purports to convey an interest in property, which according to the conditions of political tenure standing rules, or circulars cannot be alienated, or can only be alienated with the express sanction of the Agency or of a Chief or other reversioner, a reference must be made for the orders of the Political Agent before registration is effected

18 If any person presenting a document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document the Registering Officer may, in his discretion on receipt of the process fee, summon him to appear and examine him under the provision of the Civil Procedure Code

19 A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration

20 All documents, duly registered under these rules, and relating to any property whether moveable or immoveable shall take effect against any oral agreement or declaration relating to such property unless where the agreement or declaration had been accompanied or followed by delivery of possession

21 No document whose registration is compulsory, shall affect any immoveable property comprised therein or be received as evidence of any transactions affecting such property unless it has been registered in accordance with these rules

22 Every Registrar shall keep—

- (1) Register of documents relating to immoveable property
- (2) Record of reasons for refusal to register
- (3) Miscellaneous register for documents not relating to immoveable property

23 The date, hour and place of presentation and the signature of every person presenting a document for registration shall be endorsed on

every such document at the time of presenting it, a receipt shall be given to the person presenting the same, and every document admitted to registration shall without unnecessary delay be copied in the proper book in proper order and indexed as may be prescribed

24 (1) On every document admitted to registration there should be endorsed the following particulars —

- (a) the signature and address of every person admitting the execution of the document,
- (b) the signature and address of every person examined in reference to it,
- (c) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution

(2) If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal

25 The Registration Officer shall affix the date and his signature to all endorsements made under the last preceding section and shall endorse thereon a certificate containing the word "Registered" together with the number and page of the book in which the document has been copied. Such certificate shall be signed, sealed and dated by the Registering Officer. The endorsements referred to in the preceding section shall thereupon be copied into the appropriate column of the register book

26 (1) Every Registrar or Sub-Registrar refusing to register a document except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No 2, and endorse the words "Registration refused" on the document, and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded

(2) No Registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered

27 An appeal shall lie from the orders of a Sub-Registrar to the Registrar under whose charge he is placed and an appeal shall lie from the Registrar's order to the Political Agent. Any person claiming under the document may within 30 days after the making of the order of refusal, apply to the appellate court by petition, in order to establish his right to have the document registered. The order of the Registrar and the Political Agent on appeal shall be final

28 The petition shall be dealt with as a plaint under the Code of Civil Procedure. The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration

29 If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within 30 days after the making of such order the registration shall be made as hereinbefore provided

30 A Registrar or the Political Agent may, for the purpose of any enquiry under Rule 28, summon and enforce the attendance of witnesses and compel them to give evidence and he may also direct by whom the whole or any cost of such enquiry shall be paid and such cost shall be recoverable as costs in a suit

31 The following table of fees shall apply to the registration of documents and other matters connected with these rules —

	Rs	A	P
(a) Compulsory registration of documents affecting immoveable property, for every 100 words	0	8	0
(b) Minimum fee	3	0	0
(c) Optional registration of documents affecting immoveable property, for every 100 words	0	4	0
(c) Optional registration of documents affecting property, for every 100 words	0	4	0
(d) Minimum fee	1	8	0
(e) Registration of documents affecting moveable property only, for every 100 words	0	4	0
(f) Minimum fee	1	0	0
(g) Granting copy of document (besides copying and comparing fees)	1	0	0
(h) Searching for entry by Registering Officer for every year of which the register or index is searched	1	0	0

32 Whoever—

- (a) intentionally makes any false statement whether on oath or not before any Registering Officer, or
- (c) intentionally delivers to a Registering Officer a false copy or translation of a document, or
- (c) falsely personates another and presents any document in such assumed character or makes any admission or statement or does any other act in any proceeding or enquiry under these rules,
- (d) abets anything made punishable by these rules

shall be punishable with imprisonment for a term which may extend to 3 years or with fine or both

33 Offences punishable under these rules shall be triable by ¹[the Court of the Senior Deputy Political Agent or the District Deputy Political Agent The District Deputy Political Agent shall ordinarily dispose of all such cases]

34 Every person shall be legally bound to furnish information to a Registering Officer when required by him to do so

35 (a) The fee should be received in court-fee stamps and those stamps should be affixed on the document and cancelled and an entry thereof should be made in the register

(b) In the managed States the fees should be levied in cash and credited to the State accounts

36 Nothing contained in these rules shall be deemed to require the registration of any of the following documents —

- (a) Certificates of sale of immoveable property issued by Civil Courts of the Agency,
- (b) Notices of relinquishment of occupancies,
- (c) Agreements of occupancies,
- (d) Documents executed by the Political Agent on behalf of Government

[*Bombay Government Gazette*, 1913, Pt I, p 343]

Alienation Rules

No 3409, dated the 6th June, 1913 —1 All lands uninterruptedly held as wholly or partially exempt from land revenue from before the year of the Treaty, *viz* , 1812 A D , and then in the authorised possession of a son or grandson in male descent or male heir of the body of such grandson of the original grantee shall be continued to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the time of the Treaty, provided the grant is supported by a document which is proved or about the genuineness of which no doubt exists

2 All lands uninterruptedly held as wholly or partially exempt from land revenue since the Treaty of 1812 and before the year 1848 A D , and then in the authorised possession of a son or male heir of the body of a son of the original grantee should be continued on an annual payment which shall not ordinarily be less than half the assessment, so long as there shall be in existence any male heir of the body of the person who was incumbent during the aforesaid period, provided the grant is supported by documentary evidence which is proved or about the genuineness of which no doubt exists

3 If any land wholly or partially exempt from land revenue is held by a widow or any other female heir of a male grantee before the year

¹ Substituted by Notification No 2818, dated the 26th August, 1925 *Bombay Government Gazette*, 1925, Pt I, p 2300

1848 A D , it shall be continued to her during her life time subject to the provisions of Rules Nos 1 and 2

4 Land held as wholly exempt from payment of revenue or on partial assessment the possession of which by the grantee is not continuable under the preceding rules should be resumed. The holder should however not be deprived of the possession if he agrees to pay assessment as fixed on adjoining assessed lands

5 All lands held wholly or partially exempt from land revenue from the State before the year 1848 for the support of temples, mosques and charitable institutions should be continued for so long only as the income from the same is utilized for the purpose of the temples or mosques or charitable institutions for the support of which the grant is made

6 All lands held wholly or partially exempt under any deed of grant executed after 1848 A D , will be resumed and allowed to be enjoyed by the present occupants and their heirs on payment of assessment as fixed on adjoining lands of similar quality

7 Lands granted as rent or partially exempt from land revenue by any Talukdar will be so continued during the life time of that Talukdar and will be liable to resumption at the option of the successor or the original grantor

8 If any land has been mortgaged or sold by any Talukdar before the year 1848 A D , but after the year 1812 A D , and if the document is duly proved, the holder will be entitled to get back his mortgage money or the purchase price in case the said land is resumed subject to the provisions of the Encumbered Estate Rules of the Agency

9 If any land has been mortgaged or sold after the year 1848 A D , and if the Talukdar executing the document is dead, the land will be liable to be resumed and, if so resumed, the mortgagee or the vendee will not ordinarily be entitled to get back the mortgage money or the purchase price

10 If there be no document regarding any grant of land between the year 1812 and 1848 A D , but the undisputed possession of the land acquired between those years by any lineal descendant of the original grantee for upwards of 60 years is proved, such grant shall be continued to the male heirs of the original grantee on payment of half the assessment

11 As no Chief or Talukdar in the Mahi Kántha Agency has the power to alienate his land by sale or otherwise without the sanction of Government so no sale or other alienation of land by a private individual will be recognised without such sanction

12 If any Jiwai lands held by Bhayats for maintenance have been sold by any Bhayat, the sale shall be null and void and the land shall be liable to resumption by the successor or reversioner. The mortgage of the Jiwai land or its produce by a Bhayat during his life time will be

recognised by his successor or reversioner, only if such mortgage has been agreed to in writing at the time of making it, by his successor in title if of full age at the time of concurrence, or by his successor in title subsequent to his succession, or by the Talukdar, or has been sanctioned by the Political Agent

13 Lands granted for service to village servants shall be continued to them so long as the service is performed according to the exigencies of the village from time to time. If such land has passed out of their hands by sale or mortgage, the transaction shall not be recognised and the land shall be liable to resumption or to full assessment

14 Land alienated by a Talukdar for building purposes shall not be liable to resumption so long as the land thus alienated is used for the purposes for which it was granted or the alienee or his heirs or assigns continue to pay the dues according to the custom of the Taluka

15 Nothing in these rules shall be deemed to affect leases of land for agricultural purposes

16 In the case of Managed Estates and non-jurisdictional Talukas in the Thana Circles, the Political Agent may empower any qualified Manager or Thandar in charge of the Estate or Thanas concerned to investigate the titles of the persons holding or claiming the possession or enjoyment of lands held wholly or partially exempt from land revenue and to submit his report to the Political Officer in charge of the Estate or Taluka, who will pass orders in accordance with these Rules. Where the Manager or Thandar concerned is not so empowered it shall be the duty of the Political Officer in charge of the Managed Estate or non-jurisdictional Taluka to hold such investigation and pass orders thereon

An appeal shall lie to the Political Agent in respect of the orders passed by the Political Officer under this rule

17 Cases already decided, in which orders have been duly passed and executed and in which no appeal has been preferred, will not be re-opened under these rules

18 A notice will be issued to any person holding or claiming to hold any lands, or any interest therein, wholly or partially exempt from payment requiring him personally or by the Agent to show his title

19 Service of notices will be effected in the same manner in which notices in revenue cases are served

20 Proceedings held under these rules shall be regarded as judicial proceedings

21 An appeal shall lie, in respect of orders passed by the Political Agent under rule 16, to the Commissioner, Northern Division, whose decision in every case shall be final

22 The procedure as regards calling witnesses, etc., will be as prescribed in the Civil Procedure Code.

[*Resolution of the Bombay Government*]

Rules for the qualifications of persons to practise as Barristers, Pleaders or Authorised Translators, 1915

No 3256-A, dated the 31st May 1915 —In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department Notification No 2859-I A,¹ dated the 19th June 1903, and of all other powers enabling him in this behalf and in supersession of all existing rules on the subject, the Governor in Council is pleased to publish, for general information, the following revised rules for the qualification of persons who may in the future ask for permission to practise as Barristers or Pleaders in the Courts of the Mahi Kantha Political Agency and for the qualification of all persons to practise as Authorized Translators —

1 Nothing in these rules shall be deemed to debar any Chief from being represented by his duly accredited Vakil, or from submitting a memorial or representation prepared by any person in his regular service or any person from conducting his own suit or defence in any Agency Court, or from presenting a petition or memorial prepared by himself or any person who is *bonâ fide* in his regular service, provided the name of such composer or writer is specified at the foot of it

2 Persons of the undermentioned classes may, at the discretion of the Political Agent, Mahi Kantha, and if they satisfy him as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as Barristers or Pleaders to practise in the Political Agent's Courts or any Court subordinate thereto, and to draft English petitions or appeals to any officer or appeals to Government from the decision of any officer under the Agency and in token thereof will receive sanads on payment of the fees specified below —

	Rs
(1) Barristers and Advocates of the High Court of Bombay	50
(2) Attorneys-at-Law of the High Court of Bombay	} 30
(3) Pleaders of the High Court of Bombay	
(4) Persons holding the degree of Bachelor of Laws of the University of Bombay	
² [(5) Persons who have passed the District Pleaders' Examination	
(6) Persons who have passed an examination under Government Notification No 6792, dated the 12th October 1888]	

NOTE —Barristers who have not qualified as Advocates of the High Court of Bombay will be called upon to pay an admission fee of Rs 250 in addition to the above license fee

3 Persons of the undermentioned class will, if they satisfy the Political Agent, Mahi Kantha, as to their general character and fitness and

¹ Printed *supra*, p 63

² Added by Notification No 5402 dated the 10th September, 1915 *Bombay Government Gazette*, 1915, Pt I, p 2307

subject to the conditions hereinafter prescribed, be admitted as “ Authorised Translators ” and in token thereof will receive sanads on payment of a fee of Rs 10 —

(1) Graduates of any University

(2) Persons who have obtained and may hereafter obtain permission from the Political Agent to practise as Authorised Translators

(3) Persons who have already practised as Authorised Translators.

4 Sanads granted to Barristers or Pleaders and Authorised Translators will remain permanently in force subject to continued good behaviour, the discharge of duty with zeal and integrity under the rules, and the payment of annual fees at the following rates —

(a) Barristers-at-Law and Advocates of the High Court of Bombay, Rs 50

(b) Pleaders whose sanads authorise them to practise in all the Agency Courts, Rs 30 ¹[for the first five years and thereafter Rs 50]

(c) Authorised Translators, Rs 10

Provided also that any Barrister, Advocate, Attorney or Pleader of the High Court of Bombay or District Pleader may, at the discretion of the Court having jurisdiction, be granted permission to appear as a Pleader or may draft a petition or appeal in any particular case on payment of a fee of Rs 5 notwithstanding the fact of his not having obtained a sanad under rule 2

²[4-A In addition to the persons mentioned in rule 2, petitions or appeals to any Officer or appeals to Government from the decision of any Officer under the Agency may be drafted by any person previously approved by the Governor in Council. Such persons will receive a sanad in token thereof and be liable to pay such annual fee as may be fixed by the Governor in Council.]

5 No person who has not obtained a sanad under rule 2 or special permission under rule 4 shall be permitted to practise in any Agency Court, and no English petitions or appeals prepared by persons other than the aforesaid ²[or a person who has received a sanad under rule 4-A] will be accepted by any Agency Officers in any suit or proceeding or other business of a similar nature

6 No translation of a vernacular document tendered or required will be accepted by any Agency Officer in any suit or proceeding unless it has been made and certified by an Authorised Translator

¹ Added by Notification No 2812, dated the 1st December, 1925 *Bombay Government Gazette*, 1925, Pt I, p 3093

² Inserted by Notification No 3843, dated the 16th May, 1922 *Bombay Government Gazette*, 1922, Pt I, p 1160

¹[Provided that in appeals or applications in judicial matters addressed to the Governor in Council or to the Governor General in Council translations of such documents will be accepted if made and certified by any person holding a Sanad from the Governor in Council as a special Translator, or if made and certified by an Authorised Translator.] The rate of fee fixed for the remuneration of Authorised Translators is one rupee per folio of 144 words, and this fee includes the charge for transcription and authentication.

7 Permission to practise in the Agency Courts will extend to all cases of a judicial nature, whether classed as Criminal, Civil or Political, unless the Court shall, for reasons to be recorded in writing, declare with regard to any particular case of a Political character that permission cannot be granted. And this permission will not extend to the discussion of confidential matters affecting the domestic concerns of the Chiefs or their relations with the Paramount Power.

8 Nothing in these rules shall be deemed to affect provisions of the law analogous to those of Order I, rule 12, Order III, rules 1 and 2, of the Code of Civil Procedure 1908 (Act V of 1908), and of sections 4 (1) (c) and 340 of the Code of Criminal Procedure, 1898 (Act V of 1898), and of any other similar enactments in force in the Agency Courts.

9 All Sanads to plead held at the date of the publication of these rules are confirmed and shall be continued subject to the provisions of rules 4 and 7.

10 The rules for the practice of pleaders are contained in Appendix A.

²[APPENDIX A

1 Except as otherwise provided a pleader or vakil shall not be allowed to appear, plead, or act for a party in any suit or proceeding in any court until he has obtained from such party and filed in court a vakalatnama (power-of-attorney), according to the form contained in Appendix B, appointing him pleader in the cause.

Exceptions.—It shall not be necessary for the following persons to obtain a vakalatnama for the purpose of appearing, pleading and acting in the capacities respectively mentioned hereunder:—

- (a) A pleader appointed by a court to defend a person accused of a criminal offence, who has not sufficient means to enable him to employ a pleader.
- (b) A Government Pleader.
- (c) A public prosecutor or a person permitted or empowered under section 495 of the Code of Criminal Procedure 1898, to conduct a prosecution.

¹ Inserted by Notification No. 1393, dated the 24th February, 1916. *Bombay Government Gazette* 1916, Pt. I, p. 350.

² Substituted by Notification No. 2512, dated the 1st December 1925, *Bombay Government Gazette*, 1925, Pt. I, p. 3033.

(d) When a person appears, pleads, or acts on his own behalf, or appears or acts by his recognised Agent under rule 2 of Order III of the Code of Civil Procedure, 1908

2 Where a pleader has filed a vakalatnama at the original hearing of a proceeding, it shall not be necessary for him to obtain a fresh vakalatnama for the purpose of an application for review of judgment, or of an application under section 144 or section 152 of the Code of Civil Procedure, 1908, or under Order XLV in the First Schedule to the said Code

3 When a pleader is prevented for any reason from appearing in any proceeding in which he has been retained, he may appoint another pleader to appear on his behalf and the hearing shall proceed unless the Court see reason to the contrary

4 If a party engages a pleader to act on his behalf, he shall present him with one rupee as a retaining fee for which the pleader shall grant him a written acknowledgment specifying the date of payment, and if the said retaining fee be not offered, the pleader shall demand it, and abstain from any proceeding until it be paid

5, If after receiving a retaining fee a pleader shall engage with or act for any other party whose interest in the case is adverse to that of his client, or refuse or omit to appear, plead or act on behalf of his client, he may be punished with a fine not exceeding rupees five hundred (Rs 500), or if the matter in litigation be of less value than Rs 250, then not exceeding twice the amount of the sum in dispute between the parties

6 No order shall be passed under rule 5 except after an investigation recorded in writing, nor by an officer lower in grade than Deputy Political Agent. Officers subordinate in rank to a Deputy Political Agent shall forward their proceedings to their Divisional Officer who shall pass orders. An appeal shall lie to the Political Agent in all cases

7 Where the circumstances are of an aggravated nature the Political Agent may suspend the pleader or withdraw his sanad. No punishment inflicted under these rules shall be deemed to preclude any party from taking any legal proceedings in respect of any loss or injury sustained by him in consequence of the act or omission of any pleader engaged by him

8 It shall be incumbent on a pleader, at the time of receiving from his clients any accounts, writings, or documents, to give written receipts for them, and to restore them when required, under penalty of a fine not exceeding Rs 100, to be awarded by the officers specified in rule 6. If the circumstances are of an aggravated nature the Political Agent may suspend the pleader or withdraw his sanad. But in every matter in which costs are due to a pleader by his client which have been or are capable of being taxed the pleader shall as against his client be entitled

to a lien for the amount of such costs, as taxed upon all documents come into his possession in the course of his engagement in connection with such matter and for which he has given a receipt as required above

9 Each pleader employed in prosecuting or defending an original suit, or a regular or special appeal shall be entitled to a percentage on the amount sued for according to the rates specified in Appendix C, as remuneration for his trouble in acting on behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled

10 If an acknowledgment of the demand is entered, or a suit or appeal withdrawn without being brought to trial, the pleader shall be entitled only to one-quarter of the prescribed fee

11 As against an opposite party the fees may be considered costs of the suit, but they shall not be so considered as between a pleader and his own client. A pleader shall be left to his remedy by regular suit against his own client

12 Any party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs shall not be answerable for more than the prescribed fee of one pleader on behalf of the other party

13 Where in any proceeding there are several parties having the same interests or putting forward the same defence they shall not, if awarded costs, be allowed more than one set of pleaders' fees on party and party taxation unless the court directs otherwise

14 Nothing in these rules shall preclude an express agreement being entered into between a pleader and his client for either a larger or smaller sum than the prescribed fee, but no excess over the prescribed fee shall be levied as costs of the suit

15 No pleader shall tender, give, retain, or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business

16 No pleader shall—

- (a) take instructions in any proceedings except from the party on whose behalf he is retained or from some person who is, within the meaning of the Code of Civil Procedure, 1908, the recognised agent of such party or from some person authorised by such party to give such instructions, or
- (b) accept any employment in any legal business through a person who has been proclaimed as a tout

17 It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf on giving the Court notice in writing to that effect but it shall not be competent to a pleader to withdraw from acting on behalf of his client without the consent or the special permission of the Court

18 If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceedings in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is terminated) to another pleader,

Provided that in proceedings in which a party is represented by more than one pleader and one of such pleaders is present, the Court may proceed therewith, any pleader absenting himself without written notice as above prescribed may be punished with a fine not exceeding Rs 100 to be adjudged by the officers specified in rule 6

19 In any proceeding in which a pleader ceases, temporarily or permanently, to act for his client, because he has accepted Government service, or has been permitted to withdraw from the proceeding, or has been suspended or dismissed, or has died, or for any other reason, the proceeding shall be stayed in the same manner as is prescribed in rule 18

20 It shall be lawful for a pleader (approved by the Political Agent for that purpose) to act on a general vakalatnama on behalf of jurisdictional Chiefs provided a duplicate of the vakalatnama be deposited with the Political Agent. In all other cases, the vakalatnama must be for the particular case, and a general vakalatnama shall not be recognised

21 These rules shall take effect from the date of publication

APPENDIX B

Vakalatnama

(See rule 1)

(In any proceeding, civil or criminal)

In the Court of

(Here specify nature of the proceeding and names of parties or of complainant or accused or prisoner, as the case may be)

I, _____ the aforesaid Plaintiff, or Appellant, etc., or Defendant or Respondent, or Complainant or Accused, etc., (as the case may be) do hereby appoint Mr _____ (name of the Pleader) to appear, plead and act for me as Pleader in the abovementioned proceeding

Dated this _____ day of _____

19

(Signature or mark of the client)

Accepted

(Signature of the Pleader)

APPENDIX C

Rules for computing the Pleader's Fee

I (a) In suits which decide on the merits the real dispute between the parties,

(b) in appeals from decrees (including preliminary decrees) other than appeals from execution proceedings, which decide on the merits the real dispute between the parties,

the amount of the pleader's fee shall be computed on the amount or value of the subject-matter in dispute in the suit or appeal, at the rates specified below —

	Per cent
If the amount or value of the subject matter in dispute does not exceed Rs 2,000	5
If such amount or value exceeds Rs 2,000 but does not exceed Rs 5,000, on Rs 2,000 as above and on the remainder	3
If such amount or value exceeds Rs 5,000, but does not exceed Rs 10,000, on Rs 5,000 as above and on the remainder	2
If such amount or value exceeds Rs 10,000, but does not exceed Rs 20,000, on Rs 10,000 as above and on the remainder	1
If such amount or value exceeds Rs 20,000, on Rs 20,000 as above and on the remainder	$\frac{1}{2}$

II (a) In appeal from orders,

(b) in civil applications or proceedings other than applications and proceedings necessary for the progress of a suit or appeal and other than applications, proceedings or appeals falling under rules I, IV and V, and

(c) in all other cases not provided for,

the amount of the pleader's fee to be allowed shall be one-fourth of that payable according to the rates specified in rule I

III The fee prescribed in rules I and II shall be taken to be remuneration for the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding is passed

IV In execution proceedings the pleader's fee to be allowed shall be one-fourth of the fee calculated at the rates specified in rule I on the amount or value of the relief or money claimed in the application to execute the decree

V (a) In any reference made to the Government under section 113 of the Code of Civil Procedure, 1908, and

(b) in any application to Government for the exercise of extraordinary jurisdiction in civil matters, a sum of Rs 30 shall be allowed as the pleader's fee

(c) in any application to the Political Agent under section 115 of the Code of Civil Procedure, 1908, a sum of Rs 15 shall be allowed as the pleader's fee

(d) in all applications or appeals under Bombay Regulation VIII of 1827 or any other Special or Local Act or Rules (unless specially provided for in the said Act or Rules) a sum of Rs 30 shall be allowed for conducting the case before Government, a sum of Rs 15 shall be allowed for conducting the case before the Political Agent, and a sum of Rs. 10 shall be allowed for conducting the case before Subordinate Officers

VI In no case, whether specifically provided for in this Appendix or otherwise, shall the pleader's fee payable in any civil suit, appeal, application or proceeding be less than—

- (a) Rs 30 when the matter is before Government,
- (b) Rs 15 in the Political Agent's Court,
- (c) Rs 10 in Subordinate Courts,
- (d) Rs 5 in the Court of Thandars when acting under the Mamlatdars' Courts Act, 1906]

[*Bombay Government Gazette*, 1915, Pt I, p 1546]

Application of the Kathiawar Agency Limitation Law, 1890

The Kathiawar Agency Limitation Law, 1890, as amended by Bombay Government Resolution No 174, dated the 29th January, 1923, was applied to the Mahi Kántha Agency with effect from the 1st March, 1924 by Bombay Government letter No 174-B, dated the 15th March 1924

Rules for the custody, supply and sale of adhesive stamps and stamped papers

No 743 dated the 2nd June, 1925 —In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification¹ of the Government of India in the Foreign Department, No 2859-I A, dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased in supersession of all previous rules and orders on the subject to prescribe the following rules for the custody, supply and sale of adhesive stamps and stamped papers in the Mahi Kántha Political Agency

1 The Huzur Treasury is the Local Depôt for the custody and sale of Stamps for which indents from the officers noted below will be complied with Stamps for the aforesaid areas shall be supplied from the Central Depôt at Bombay on the indent of the officer in charge Central Depôt at Sadra

- 1 Political Agent's Office
- 2 Senior Deputy Political Agent's Office
- 3 District Deputy Political Agent's Office

4 Huzur Deputy Political Agent's Office

5. Thandars

6 Deputy Thandar, Mahisa

2 The Superintendent of Stamps Bombay on receiving an indent from the Local Depôt, shall have it examined to ascertain that it is such as to ensure the Local Depôt having a proper supply and may comply with the indent in full or in part as he thinks fit. If he thinks that the indent should be increased he should request the officer who submitted the indent to submit a supplementary indent.

3 There shall be a Local Depôt at Sadia for the custody and sale of Stamps.

4 The Local Depôt shall, unless the Political Agent, MahĠ Kantha, otherwise directs, maintain a supply of stamps not less than the probable consumption of ten months.

5 As soon as the number of stamps in the Local Depôt falls below the number issued from the Depôt in the preceding twelve months, the officer in charge of the depôt shall prepare an indent for a supply equal to the probable consumption of six months. The indent shall show in separate columns for each denomination of stamp of which a supply is required, the total of the balance in the Local Depôt, the quantity sold in the preceding twelve months, and the quantity indented for, which should be approximately one-half of the quantity sold in the preceding six months. This indent will be forwarded direct to the Superintendent of Stamps, Bombay.

6 As soon as possible after the arrival of a supply of stamps from a central depôt, the officer in charge of the local depôt shall personally examine the outward appearance of the boxes or packets and satisfy himself that they bear no marks of having been tampered with. He shall then have the boxes or packets opened in his presence and the contents of each box or packet counted either by himself or in his presence immediately on its being opened. In no case must a second box or packet be opened until the contents of the first have been completely examined and verified and placed in the proper receptacles as required by the rule. The number and value of stamps received shall be compared by the officer in charge with the invoice submitted, or with the indent passed, and a receipt shall be sent not later than seven days after the arrival of the stamps to the officer who sent the stamps.

7 The Officer in charge shall personally count with his own hands all stamps not received in sealed packets of the value of Rs 25 and upwards. Stamps below the value of Rs 25 which are not received in sealed packets with unbroken seals may be counted either by the Officer in charge or in his presence. In the case of stamps received in sealed packets marked as containing a certain number of stamps, one packet in ten of each denomination shall be opened and counted at the time of

receipt by the Officer in charge or in his immediate presence. If all those counted be found correct, the remainder may be left, with seals unbroken, to be counted when given out from custody, under double lock. The Officer in charge is responsible for observing any such instructions and for satisfying himself as to the number of stamps received before signing the receipt. The inside wrappings of packets of stamps, which bear the initials of the officers through whose hands the packets passed before issue, should invariably be preserved till the whole contents of the packets have been examined and found correct.

8 If any of the stamps received are found to be unfit for issue, they should be at once returned to the Superintendent of Stamps, Bombay. Stamps which are through any accident rendered unfit for issue at any time after receipt should be similarly returned to the Superintendent of Stamps, Bombay, as soon as their unfitness is discovered. The necessary entries on account of stamps so returned should be made in the monthly statement and in the *plus* and in the *minus* memoranda.

9 Immediately after the stamps received have been counted, they shall be placed in proper receptacles in the store under double lock in the presence of the officer in charge, arranged in parcels and packets containing known quantities, the amount and the value of each denomination being entered at the same time in a register maintained to show the receipts and issues to and from the store under double lock. These entries shall be checked by the officer in charge at the time the stamps are deposited, and the correctness of the arithmetical calculations of additions to balance, as well as for the values compared with quantities, shall be verified and initialled by him at the time. The register shall then be placed with the stamps in the double lock receptacles and shall not be removed therefrom, nor shall any entries be allowed to be made therein except in the presence of the officer in charge.

N B—In all cases where stamp registers have to be checked the actual check of quantities against values is a very important one, the correctness of the calculations of value must be tested in detail, either by actual multiplication, or by use of correctly prepared tables and this check should never be omitted. This remark applies also to such of the following rules as prescribe a check of this kind. It is not necessary that the complete checking should be done by the officer himself. It will be sufficient, if the officer personally checks 10 per cent of the entries in each class of stamps leaving the remaining entries in each class to be checked by a subordinate under his supervision.

10 The registers of receipts and issues of stamps from the stores under double lock should be in the form prescribed in the Civil Account Code. The entries in these books should be made by the Treasury Officer, Mahi Kantha. Every entry of receipt should correspond with the Invoice, and should show from whence the stamps were received, and every entry of issue should be vouched for by a passed *ex-officio* vendor's indent. A balance should be struck after each entry at the time of receipt or issue and attested by the signature or initials of the officer in charge who shall invariably be present during the whole time that the store under double locks or any part of it remains open.

11 The treasurer shall be the *ex-officio* vendor of Maharaja Kantha Agency Court Fee Stamps and stamped papers. Sales to various offices mentioned in Rule 1 or to licensed Vendors shall not be made direct from the double lock, such sales being made by the Treasurer from the supply entrusted to him for this purpose to be kept by him under single lock, as prescribed in the following rules

12 The stock to be made over to the *ex-officio* vendor to be kept by him under single lock should ordinarily be sufficient for the probable demand of the month. The *ex-officio* vendor shall maintain a register of receipts and issues from single lock in the same form as the double lock register, and on a fixed date near the beginning of each month he will prepare an indent for the quantity for the month in a form showing the balances in his hands, an average month's consumption and the quantity required. When this indent is presented to the Officer in charge, he will examine the single lock register, check the correctness of the arithmetical calculations made therein and compare the balance shown with the actual balance in the *ex-officio* vendor's hands. If he approves the indent he shall then give out the quantity required from the store under the double lock, check the correctness of the entries made in the double lock register, see that they correspond with those made in the single lock register, initial both registers and return the double lock register into the double lock store. When it is necessary to issue stamps from the store under double lock more than once in one day the above checks need only be applied at each time of issue to the particular description of stamps issued. But at the end of each day, the officer in charge should verify the whole balance of stamps in the *ex-officio* vendor's hands and check his registers. The same procedure shall be followed if any stamps should be required at any intermediate date.

13 From the stock so made over to his charge and kept by him under single lock, the *ex-officio* vendor shall sell stamps to licensed vendors for cash. He shall maintain the single lock register in the form mentioned in the preceding paragraph in English, entering therein both in quantities and values the receipts from the double lock, the daily sales and balances in his hands of each denomination at the end of each day. The *ex-officio* vendor's register shall be balanced daily and the balance shall be attested by the initials of the officer in charge. Before signing this register the officer in charge shall see that all issues from the store under double locks have been brought to credit, and that the values of stamps written off as sold have been credited in the cash accounts. At the close of the last working day of each month, an abstract showing briefly the transactions of the month and containing (1) opening balance, (2) receipts during the month, (3) sales during the month and (4) closing balance should be entered in the register after the last entry. The officer in charge shall verify the entries and certify that he has personally examined and counted the stamps of all descriptions in store and that the transactions during the month have been correctly recorded.

14 Besides the offices mentioned in paragraph 1 above these stamps and stamped papers will be issued to approved vendors for sale. They will be allowed a discount at the rate of one anna per rupee and they shall have to maintain and furnish accounts.

15 (a) Every licensed vendor shall with his own hands write on the back of every stamp embossed or engraved on stamped paper which he sells a serial number, the date of sale, the name and residence of the purchaser, the value of the stamp in full in words and his own ordinary signature, at the same time he shall make corresponding entries in a register, to be kept by him in the following form —

Date	Serial No	Description of Stamps	Value of Stamps	Name of purchaser	Res dence of purchaser

(b) No vendor shall knowingly make a false endorsement on the stamp sold or a false entry in his register.

16 (1) Every stamp vendor shall, whenever any person purchases a stamp embossed or engraved on stamp paper, invite the purchaser to affix his thumb impression under the vendor's endorsement of sale on the stamp and also opposite the entry of the sale in his sale register.

(2) No new license to sell stamps embossed or engraved on stamped paper shall be granted and no expired license shall, after a time to be specified in this behalf, be renewed, except on satisfactory proof that the applicant or licensee can take a clear thumb impression.

17. (1) Whenever application is made to a stamp vendor for stamps embossed or engraved on stamp paper of a specified value and not exceeding the highest value which such stamp vendor is authorized to sell, he shall if he is able, furnish a single stamp of the required value.

(2) If the stamp vendor is unable to furnish a single stamp embossed or engraved on stamped paper of the required value he shall supply the purchaser with the smallest number of such stamps which he can furnish so as to make up the required value.

18 Nothing in rule 17 shall be deemed to authorise a stamp vendor when the value of the stamp required exceeds the highest value which he is authorised to sell, to furnish a purchaser with two or more stamps in order to make up any such value.

19 Every licensed vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person tendering the value thereof in any currency which would be accepted on behalf of Government by Agency Treasuries. A licensed vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.

20 No vendor shall sell any stamps the use of which has been ordered by the competent authority to be discontinued.

21 The officers mentioned in paragraph 1 and the licensed vendors shall keep a register of labels and stamped papers received by them from the Treasury and the sale of the labels and stamped papers to the public in form No. 3. They should also submit a monthly statement in form No. 4 to the Political Agent, Mahi Kantha, through the Treasury Officer, Mahi Kantha, who should verify the amount shown as paid into the Treasury during the month.

22 No licensed vendor shall at any time offer any objection or resistance to the inspection of his register or the examination of his stock of stamps by any officer duly authorised by the Political Agent to make such inspection or examination.

23 (1) A licensed vendor—

- (a) may deliver up any stamps in his possession either on application for leave to do so or on resigning his license; and
- (b) shall deliver up all stamps embossed or engraved on stamped paper remaining in his possession on demand made at any time by the Political Agent or other officer duly authorised in this behalf.

(2) Payment of the value of the stamps paid for by a licensed vendor and delivered up, shall be made subject to deduction as follows, namely —

A deduction of one anna in the rupee of the full value of all stamps delivered up in the circumstances as follows —

- (i) On resignation by the vendor of his license
- (ii) On revocation of the license for any fault on the part of the licensed vendor
- (iii) On the death of the licensed vendor
- (iv) On application by the licensed vendor for leave to return any stamps in his possession

Provided that application for a refund of the value of stamps delivered up under this rule shall be made within two years of the date of the resignation or death of the licensed vendor or the revocation of the license.

24 A licensed vendor shall be permitted to exchange any stamp which are in the opinion of the Political Agent fit for use but for which there is no immediate demand for other stamps of a like aggregate value.

25 The proceeds from the sales of labels and stamped papers must be paid into the Treasury to the credit of the Consolidated Local Fund under the head of " Court fees "

26 The Huzur Treasury will keep a register showing the number of labels and stamped papers of each denomination supplied to and issued by it to the different offices and vendors in form No 1 and furnish monthly to the Political Agent, Mahi Kantha, a statement in form No 2

27 The pages of the registers to be kept at the Treasury and the several offices will be numbered previously and an endorsement recorded in each book under the signature of the head of the office stating the number of pages contained in that book

28 Before the labels and stamped papers are issued the date of issue and the name of vendee, etc , should be recorded on them under the signature or initial of the responsible clerk or licensed vendor

29 The labels affixed on petitions, etc , and accepted by Courts in payment of the requisite stamp fee should be cancelled by means of an office stamp and the date of acceptance noted thereon

30 These rules shall come into force from the date of their publication

IV

Monthly Abstract of Main Kantha Adhesive Count Free Stamp labels and Stamp papers' receipts and sales of the Count of 19 . for the month of

Denomination of Stamp labels or Stamp papers	Balance on the first day of the month		Receipts		Total		Sales		Amount realised by sale	Balance at the end of the month		Remarks
	No of labels or papers	Value	No of labels or papers	Value	No of labels or papers	Value	No of labels or papers	Value		No of labels or papers	Value	
1 Anna		Rs		Rs		Rs		Rs	Rs		Rs	
2 Annas												
4 "												
8 "												
1 Rupee												
2 Rupees												
5 "												
10 "												
15 "												
20 "												
30 "												
40 "												
50 "												
Total												
Date	Balance on hand at the end of the last month Total											(Signature)
	Paid into the Treasury during the month											(Designation)
	Balance on hand at the end of the month											

[Bombay Government Gazette, 1925, Pt. I, p. 1478.]

Mahī Kantha Agency Civil Court Rules, 1926

No 3422, dated the 23rd December, 1925.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department, No 2859-I A,¹ dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of Government Notification in the Political Department, No 1190, dated the 13th February 1907, to prescribe, with effect from 15th January 1926 the following revised rules, to be called the Mahī Kantha Agency Civil Court Rules, 1926, for defining the civil jurisdiction (original, appellate, and revisional) to be exercised by the Courts of the Political Agency in Mahī Kantha and by the Governor in Council in civil proceedings originating in that Agency, for regulating the right of appeal and the payment of court-fees by parties, and for ensuring punctuality in the discharge of judicial business. Nothing herein contained shall be deemed applicable to political suits save as may be expressly otherwise ordered by the Governor in Council —

1 The Civil Courts of the Mahī Kantha Agency shall be classed as—

- (a) Subordinate Courts
- (b) Courts of the Deputy Political Agents
- (c) The Political Agent's Court

2 The Subordinate Courts are those specified in column 2 of Appendix A hereto. Their jurisdiction shall be limited to civil suits of all descriptions of the values specified in column 3 thereof or such values not exceeding in case of any of the Thandar's Courts Rs 5,000, and in case of the Court of the Deputy Thandar, Mahīsa, Rs 500, as the Political Agent shall hereafter with the sanction of Government, from time to time, direct.

3 The Courts of the Deputy Political Agents are those specified in column 2 of Appendix B hereto. Their original jurisdiction shall be limited to civil suits of all descriptions of the values specified in column 3 thereof or such values as the Political Agent shall hereafter with the sanction of Government, from time to time, direct. They shall also exercise an appellate jurisdiction in suits tried by the Subordinate Courts up to the limits specified in column 4 of the said appendix.

4 If the Senior Deputy Political Agent considers that a suit which has been filed as a political suit should be heard as a civil suit, or if the Senior Deputy Political Agent, District Deputy Political Agent, Huzur Deputy Political Agent, or a Thandar, considers that a suit which has been filed as a civil suit should be heard as a political suit, he shall refer the case to the Political Agent for orders. Any party to a suit

may apply to the Political Agent for an order that a political suit may be heard as a civil suit or *vice versa*

5 Any proceedings pending in any civil court of the Agency in respect of any debt or liability of a Chief or Talukdar whose estate is attached by the Political Agent, on account of its being encumbered, shall, on the publication of the order of attachment, be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended, and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such court in respect of such debts and liabilities

6 (a) As no holder or sharer of any estate assessed for Government or Gaekwar's tribute and no Talukdar is liable for any debt or liability incurred by his predecessor unless he has admitted the claim in writing or unless such debt or liability has received the written sanction of the Political Agent, no Agency Court shall entertain any suit against such holder, sharer or Talukdar in respect of any such debt or liability not admitted or sanctioned as aforesaid

(b) No Agency Court shall, without the sanction of the Political Agent, entertain any suit against any holder or sharer of an estate assessed for Government or Gaekwar's tribute or against any Talukdar

(c) No Agency Court shall, without the sanction of the Political Agent, give any effect whatever to any decree in respect of a pecuniary claim or debt or mortgage passed against any holder or sharer of an estate assessed for Government or Gaekwar's tribute or against any Talukdar after the death of such holder, sharer or Talukdar, unless the said claim, debt or mortgage has been admitted in writing by the successor against whom the decree is sought to be enforced or has received the written sanction of the Political Agent

7 An appeal whether on a matter of law or fact shall lie from the decree of any of the Subordinate Courts mentioned in Appendix A hereto to the Court of the Huzur Deputy Political Agent or of such other Deputy as the Political Agent may from time to time direct

8 If the suit be of a nature cognizable in Courts of Small Causes and of a value not exceeding Rs 500, the decision in appeal of the Court of the Deputy Political Agent shall be final

9 In all suits relating to moveable property, but not falling under rule 8, and of a value not exceeding Rs 1,000 if the Court of the Deputy Political Agent confirms the decree of the Subordinate Court, its decision shall be final

10 In all suits in which the Court of the Deputy Political Agent reverses or modifies the decree of the Subordinate Court and in all suits relating to moveable property of a value exceeding Rs 1,000 and in all

suits relating to immoveable property or to any interest therein a second appeal on a matter of law shall lie to the Court of the Political Agent

11 An appeal whether on a matter of law or fact shall lie from the original decree of a Court of the Deputy Political Agent to the Court of the Political Agent

12 If the suit be of the nature cognizable in Courts of Small Causes and of a value not exceeding Rs 1,000, the decision in appeal of the court of the Political Agent shall be final

13 In all suits relating to moveable property, but not falling under rule 12 and of a value not exceeding Rs 3 000 if the Court of the Political Agent confirms the decree of the Court of the Deputy Political Agent, its decision shall be final

14 In all such suits in which the Court of the Political Agent reverses or modifies the decree of the Court of the Deputy Political Agent and in all suits relating to moveable property of a value exceeding Rs 3 000 and in all suits relating to immoveable property or any interest therein, a second appeal on a matter of law shall lie to the Governor in Council

15 All appeals preferred under rule 14 to the Governor in Council shall be presented to the Political Agent in triplicate and shall be accompanied by authenticated copies of the judgments and decrees of the lower courts and by certified translations of any documents on which the suit has been brought or which may be relied on by the appellant, within 90 days from the date of the decree in respect of which the appeal is preferred, exclusive of the time taken up in obtaining copies in accordance with the rules laid down in Government Resolution in the Political Department, No 7233, dated the 1st October 1900 In forwarding such appeals, the Political Agent shall certify whether they are barred by limitation or not

16 The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within 30 days from the service of such notice provided that such time may be extended to 90 days at the discretion of the Political Agent

17 The Political Agent is empowered to call for proceedings in non-appealable cases of the Courts of his Deputies and the Subordinate Courts for revision and inspection and to prescribe forms of returns of civil work for each class of court and when such returns are to be rendered

18 Returns of the Deputies shall be examined by the Political Agent and those of Subordinate Courts by the Deputy Political Agents, who shall submit them with their remarks to the Political Agent for disposal

19 In suits in the courts of first instance and in the appellate courts of the Agency fees shall be levied in accordance with the schedule in Appendix C hereto.

20 No appeal to the Governor in Council shall be received without payment of the fees prescribed below, unless the applicant shall have been authorised by the Political Agent to appeal in *forma pauperis*. Where the value of the property claimed, as computed in the original court,

does not exceed Rs 200	a fee of Rs 16
exceeds Rs 200 but does not exceed Rs 250	a fee of Rs 20
exceeds Rs 250 but does not exceed Rs 300	a fee of Rs 24
exceeds Rs 300 but does not exceed Rs 350	a fee of Rs 28

and so on, being at the rate of a fee of Rs 4 for every Rs 50 of value claimed, and up to the amount of Rs 10,000. But in suits for recovery of a value greater than Rs 10,000, the fee shall be calculated at the rate of 8 per cent on each additional Rs 100 or fraction of Rs 100 above that limit.

21. No application to the Governor in Council for the exercise of extraordinary jurisdiction in civil proceedings shall be received without payment of a fee of Rs 4

22 No application to the Governor in Council for a review of any judgment passed by the Governor in Council in a civil case shall be received, unless the application be presented to the Political Agent, within 90 days from the date on which the decision of the Governor in Council may have been communicated to the applicant, or unless the applicant shows good cause for not having presented the application within such period. The same fee shall be paid on an application to the Governor in Council for a review as on a petition of appeal, but the applicant shall be entitled to a refund of the fee after deducting Rs 4 if the application be admitted and if the Governor in Council reverses or modifies his former decision on the ground of mistake in law or fact, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing

APPENDIX A

List of Subordinate Courts of the Mahi Kantha Agency

(*Vide Rule 2*)

No	Name of Courts	Limit of jurisdiction Rs
1	Bavishi Thandar . . .	500
2	Deputy Thandar, Mahisa . . .	50
3	Katosan Thandar . . .	500
4	Saber Kantha Thandar	500
5	Gadhwada Thandar	500
6	Vatriak Kantha Thandar	500

APPENDIX B

(Vide Rule 19)

List of Courts of the Deputy Political Agents

(Vide Rule 3)

No	Name of Courts	Limit of original jurisdiction	Limit of appellate jurisdiction
1	The Court of the senior Deputy Political Agent, Mahi Kantha	No limit	No limit
2	The Court of the District Deputy Political Agent, Mahi Kantha	Rs 5,000	Rs 1,000
3	The Court of the Deputy Political Agent, Huzur Mahi Kantha	Do	Do

The jurisdiction of the Huzur Deputy Political Agent shall extend to the area comprised in all Thana Circles, Managed Estates, Sadia Bazar, and in jurisdictional Talukas in respect of original cases beyond the powers of the Talukdars. The jurisdiction of the Senior Deputy Political Agent shall extend over the above area in respect of cases beyond the powers of the Huzur Deputy Political Agent. The jurisdiction of the District Deputy Political Agent is limited to such area and cases as the Political Agent may from time to time specify.

APPENDIX C

The fees on plaints, petitions of appeal, and applications presented to the Civil Courts of the Mahi Kantha Agency will be computed and levied in accordance with the following rules and regulations —

(1) The amount of fee payable in the suits next hereinafter mentioned shall be computed as follows

(2) In suits for money (including suits for damages or compensation or arrears of maintenance or arrears of annuities or of other sums payable periodically) according to the amount claimed

(3) In suits for maintenance and annuities or other sums payable periodically according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year

(4) In suits for moveable property other than money where the subject-matter has a market value according to such value at the date of presenting the plaint

(5) In suits—

(a) for moveable property where the subject-matter has no market value as for instance in the case of documents relating to title,

- (b) to enforce the right to share in any property on the ground that it is joint family property.
- (c) to obtain an injunction,
- (d) for a right to some benefit (not herein otherwise provided for) to arise out of land, and
- (e) for accounts

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal

(6) In suits for the possession of land, houses and gardens according to the value of the subject-matter and such value shall be deemed to be—

- (a) where the subject-matter is land—ten times the gross produce arising from the land during the year next before the date of presenting the plaint. The rate of one rupee per bigha or third part of an acre may be considered to be the average annual gross produce, unless the Court considers that the rate is obviously insufficient,
- (b) where the subject-matter is a house or garden according to the market value of the house or garden.

(7) In suits for Vero or Manu Mapu or for the interest of an assignee of land revenue or for Haks arising out of the land, ten times the gross produce

(8) In suits to set aside an attachment of land or of an interest in land or revenue according to the amount for which the land or interest was attached, provided that where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest

(9) In suits against a mortgagee for the recovery of the land mortgaged and in suits by a mortgagee to foreclose the mortgage according to the principal money expressed to be secured by the instrument of mortgage

(10) If the Court sees reason to think that the annual gross produce or the market value of any land, house or garden has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court

(11) If, in the result of any such investigation, the Court finds that the gross produce or market value has been wrongfully estimated the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee

But if the estimation has been insufficient the Court shall require the plaintiff to pay so much additional fee as would have been payable had the estimate been right

In such case the suit shall be stayed until the additional fee is paid. If it is not paid within such time as the Court shall fix, the suit shall be dismissed.

(12) In suits for mesne profits, or for immoveable property and mesne profits, or for an account if the profits or amount decreed are in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the proper fee (payable if the suit had comprised the whole of the profit or amount so decreed) shall have been paid to the Court.

(13) Where the amount of mesne profits is left to be ascertained in the course of the execution of decree if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable (had the suit comprised the whole of the profits so ascertained) is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

(14) Every question relating to valuation, for the purpose of determining the amount of any fee chargeable under these rules on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed and such decision shall be final as between the parties to the suit.

But whenever any such suit comes before a Court of appeal, reference or revision if such Court considers that the said question has been wrongly decided to the loss of the Fee Fund it may require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided and the provisions of rule 11 shall apply.

(15) If an appeal or plaint which has been rejected by the Lower Court is ordered to be received or if a suit is remanded in appeal for a second decision by the Lower Court which had thrown it out on a preliminary point the Appellate Court shall grant to the appellant a certificate authorizing him to receive back the full amount of fee paid on the memorandum of appeal.

Provided that if in the case of a remand on appeal the order of remand shall not cover the whole of the subject-matter of the suit the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

(16) Where an application for a review of judgment is admitted and where on the rehearing the Court reverses or modifies its former decision on the ground of mistake in law or of fact the applicant shall be entitled to a certificate from the Court authorizing him to receive back the fee paid on the application.

But nothing in this rule shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing

(17) When any appeal is presented to a Civil Court, not against the whole of a decision but only against so much thereof as relates to a portion of the subject-matter of the suit, and on the hearing of such appeal the respondent takes an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

(18) Claims for inheritance, maintenance from or partition of estates which have not hitherto supported the jurisdictional rights of a ruling Chief may, unless the Political Agent thinks fit to withdraw them, be heard as Civil suits

(19) No document of any of the kinds specified in the annexed Schedules as chargeable with a fee shall be filed, exhibited or recorded in any of the Courts of the Mahi Kantha Agency, or be received or furnished by any Political Officer, unless in respect of such document there be paid a fee of an amount not less than that indicated in the said schedules as the proper fee for such document

(20) All fees referred to in the annexed Schedules shall be collected by means of stamps

(21) No document requiring a stamp under the annexed Schedules shall be filed or acted upon in any proceeding in any of the Mahi Kantha Agency Courts until the stamp has been cancelled

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be burnt or otherwise destroyed

SCHEDULE I

Ad valorem fees

No			Proper fee
1	Plaint written statement, pleading, a set off or counter-claim, or memorandum of appeal (not otherwise provided for) or of cross-objection presented to any Civil Court	When the amount or value of the subject matter in dispute does not exceed five rupees When such amount or value exceeds five rupees, for every five rupees or part thereof, in excess of five rupees up to one hundred rupees When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees	Six annas Six annas Twelve annas

No		Proper fee
	When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof in excess of five hundred rupees, up to one thousand rupees	One rupee and two annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees	Seven rupees and eight annas
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees	Fifteen rupees
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Twenty two rupees and eight annas
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees	Thirty rupees
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof in excess of thirty thousand rupees up to fifty thousand rupees	Thirty rupees
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees or part thereof, in excess of fifty thousand rupees	Thirty rupees
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be six thousand rupees	
2 Plaint or memorandum of appeal in a suit by a person dispossessed of immovable property otherwise than by due course of law where the suit is brought within six months from the dispossession and is for		A fee of one-half the amount prescribed in the foregoing scale

No		Proper fee.
	recovery of possession only without reference to title	
3	Application for reviews of judgment if presented on or after the 90th day from the date of decree	The fee leviable on the plaint or memorandum of appeal
4	Application for reviews of judgment if presented before the 90th day from the date of the decree	One-half of the fee leviable on the plaint or memorandum of appeal
5	Copy or translation of a judgment or order not being, or having the force of a decree	When such judgment or order is passed by any Civil Court other than the Court of the Political Agent or by any other Judicial or Executive authority— (a) If the amount or value of the subject-matter is fifty or less than fifty rupees Eight annas (b) If such amount or value exceeds fifty rupees One rupee When such judgment or order is passed by the Court of the Political Agent Two rupees
6	Copy of a decree or order having the force of a decree	When such decree or order is made by any Civil Court other than the Court of the Political Agent (a) If the amount or value of the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees One rupee (b) If such amount or value exceeds fifty rupees Two rupees When such decree or order is made by the Court of the Political Agent Four rupees.
7	Copy or translation of a judgment, order or decree or other paper in a suit or from the records of the Agency Office	One rupee <i>Note</i> —In addition to the attestation fee stated against items Nos 5, 6 and 7 a fee of two annas per hundred words or fraction of hundred words of English and one anna per hundred words or fraction of hundred words of Gujarati will be levied as comparing fee and rupees two more will be levied as searching fee for each year of which the Daftar is searched if the number, date and other necessary particulars be not accurately specified in the application

No		Proper fee
8	Probate of a will or letters of administration with or without will annexed	Two per centum
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one thousand rupees on the part of the amount or value in excess of one thousand rupees, up to five thousand rupees	
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five thousand rupees on the part of the amount or value in excess of five thousand rupees up to ten thousand rupees	Two and a half per centum
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees up to fifty thousand rupees	Three per centum
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees	Three and a half per centum
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh of rupees on the part of the amount or value in excess of one lakh of rupees, up to one lakh and fifty thousand rupees	Four per centum
	When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh and fifty thousand rupees, on the part of the amount or value in excess of one lakh and fifty thousand rupees, up to two lakhs of rupees	Four and a half per centum
	When the amount or value of the property in respect of which the grant of probate or letters of ad-	Five per centum.

No.	Proper fee.
<p>ministration is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees up to two lakhs and fifty thousand rupees</p>	
<p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.</p>	<p>Five and a half per centum</p>
<p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees</p>	<p>Six per centum.</p>
<p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees</p>	<p>Six and a half per centum.</p>
<p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees</p>	<p>Seven per centum.</p>
<p>Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant</p>	

No	—	Proper fee
9 Certificate under the Succession Certificate Act, 1889		<p>The fee leviable in the case of a probate (article 8) on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act</p>
		<p>NOTE—(1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained</p>
		<p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained</p>
10 Certificate under Bombay Regulation VIII of 1827		<p>The fee leviable in the case of a probate (article 8) on the amount or value of the property in respect of which the certificate is granted</p>
		<p>NOTE—Remission as hereinafter set forth in the fees leviable under clauses 8, 9 and 10 of the schedule shall be granted on the property of (1) any person subject to the Naval Discipline Act (29 and 30 Vict c 109) the Army Act (44 and 45 Vict c 59) the Air Force Act (7 and 8 Geo 5 c 51) or the Indian Army Act, 1911 (VIII of 1911) who is killed or dies from wounds inflicted, accidents occurring or disease contracted while on active service or on service which is of a war like nature or involves the same risk as active</p>

No.	Proper fee
	service, and (2) any person being a Government servant, civil or military, who dies from wounds inflicted while in actual performance of his official duties or in consequence of those duties
	(a) Where the amount or value of property in respect of which the grant of probate or letters of administration is made or which is specified in the certificate under the Succession Certificate Act, 1889, or in the certificate under the Bombay Regulation No 8 of 1827, does not exceed Rs 50,000 the whole of the fees leviable in respect of that property
	(b) Where the said amount or value exceeds Rs 50,000 the whole of the said fees in respect of the first Rs 50,000

SCHEDULE II

Table of rates ad valorem fees leviable on the institution of suits

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs	Rs	Rs A	Rs	Rs	Rs A
	5	0 6	170	180	13 8
5	10	0 12	180	190	14 4
10	15	1 2	190	200	15 0
15	20	1 8	200	210	15 12
20	25	1 14	210	220	16 8
25	30	2 4	220	230	17 4
30	35	2 10	230	240	18 0
35	40	3 0	240	250	18 12
40	45	3 6	250	260	19 8
45	50	3 12	260	270	20 4
50	55	4 2	270	280	21 0
55	60	4 8	280	290	21 12
60	65	4 14	290	300	22 8
65	70	5 4	300	310	23 4
70	75	5 10	310	320	24 0
75	80	6 0	320	330	24 12
80	85	6 6	330	340	25 8
85	90	6 12	340	350	26 4
90	95	7 2	350	360	27 0
95	100	7 8	360	370	27 12
100	110	8 4	370	380	28 8
110	120	9 0	380	390	29 4
120	130	9 12	390	400	30 0
130	140	10 8	400	410	30 12
140	150	11 4	410	420	31 8
150	160	12 0	420	430	32 4
160	170	12 12	430	440	33 0

When the amount or value of the subject mat- ter exceeds	But does not exceed	Proper fee	When the amount or value of the subject mat- ter exceeds	But does not exceed	Proper fee
Rs	Rs	Rs A	Rs	Rs	Rs A
440	450	33 12	1 500	1 800	161 4
450	460	34 8	1 900	2 000	168 12
460	470	35 4	2 000	2 100	176 4
470	480	36 0	2 100	2 200	183 12
480	490	36 12	2 200	2 300	191 4
490	500	37 8	2 300	2 400	198 12
500	510	38 10	2 400	2 500	206 4
510	520	39 12	2 500	2 600	213 12
520	530	40 14	2 600	2 700	221 4
530	540	42 0	2 700	2 800	228 12
540	550	43 2	2 800	2 900	236 4
550	560	44 4	2 900	3 000	243 12
560	570	45 6	3 000	3 100	251 4
570	580	46 8	3 100	3 200	258 12
580	590	47 10	3 200	3 300	266 4
590	600	48 12	3 300	3 400	273 12
600	610	49 14	3 400	3 500	281 4
610	620	51 0	3 500	3 600	288 12
620	630	52 2	3 600	3 700	296 4
630	640	53 4	3 700	3 800	303 12
640	650	54 6	3 800	3 900	311 4
650	660	55 8	3 900	4 000	318 12
660	670	56 10	4 000	4 100	326 4
670	680	57 12	4 100	4 200	333 12
680	690	58 14	4 200	4 300	341 4
690	700	60 0	4 300	4 400	348 12
700	710	61 2	4 400	4 500	356 4
710	720	62 4	4 500	4 600	363 12
720	730	63 6	4 600	4 700	371 4
730	740	64 8	4 700	4 800	378 12
740	750	65 10	4 800	4 900	386 4
750	760	66 12	4 900	5 000	393 12
760	770	67 14	5 000	5 250	408 12
770	780	69 0	5 250	5 500	423 12
780	790	70 2	5 500	5 750	438 12
790	800	71 4	5 750	6 000	453 12
800	810	72 6	6 000	6 250	468 12
810	820	73 8	6 250	6 500	483 12
820	830	74 10	6 500	6 750	498 12
830	840	75 12	6 750	7 000	513 12
840	850	76 14	7 000	7 250	528 12
850	860	78 0	7 250	7 500	543 12
860	870	79 2	7 500	7 750	558 12
870	880	80 4	7 750	8 000	573 12
880	890	81 6	8 000	8 250	588 12
890	900	82 8	8 250	8 500	603 12
900	910	83 10	8 500	8 750	618 12
910	920	84 12	8 750	9 000	633 12
920	930	85 14	9 000	9 250	648 12
930	940	87 0	9 250	9 500	663 12
940	950	88 2	9 500	9 750	678 12
950	960	89 4	9 750	10 000	693 12
960	970	90 6	10 000	10 500	716 4
970	980	91 8	10 500	11 000	739 12
980	990	92 10	11 000	11 500	761 4
990	1 000	93 12	11 500	12 000	783 12
1 000	1 100	101 4	12 000	12 500	806 4
1 100	1 200	108 12	12 500	13 000	828 12
1 200	1 300	116 4	13 000	13 500	851 4
1 300	1 400	123 12	13 500	14 000	873 12
1 400	1 500	131 4	14 000	14 500	896 4
1 500	1 600	138 12	14 500	15 000	918 12
1 600	1 700	146 4	15 000	15 500	941 4
1 700	1 800	153 12	15 500	16 000	963 12

When the amount or value of the subject matter exceeds		But does not exceed	Proper fee		When the amount or value of the subject matter exceeds		But does not exceed	Proper fee	
Rs	Rs		Rs	A	Rs	Rs		Rs	A.
16 000	16,500		986	4	2,25,000	2,30,000		2,823	12
16,500	17,000		1,008	12	2,30,000	2,35,000		2,853	12
17,000	17,500		1,031	4	2,35,000	2,40,000		2,883	12
17,500	18,000		1,053	12	2,40,000	2,45,000		2,913	12
18,000	18,500		1,076	4	2 45,000	2 50,000		2,943	12
18,500	19,000		1,098	12	2,50,000	2,55,000		2,973	12
19,000	19,500		1,121	4	2,55,000	2,60,000		3,003	12
19 500	20,000		1,143	12	2,60,000	2,65,000		3,033	12
20,000	21,000		1,173	12	2,65,000	2,70,000		3,063	12
21,000	22,000		1,203	12	2,70,000	2,75,000		3,093	12
22,000	23,000		1,233	12	2,75,000	2,80,000		3,123	12
23,000	24,000		1,263	12	2,80,000	2,85,000		3,153	12
24,000	25,000		1,293	12	2 85,000	2,90 000		3,183	12
25,000	26,000		1,323	12	2,90,000	2,95,000		3,213	12
26,000	27,000		1,353	12	2,95,000	3,00,000		3,243	12
27,000	28,000		1,383	12	3,00,000	3,05,000		3,273	12
28,000	29,000		1,413	12	3,05,000	3,10,000		3,303	12
29,000	30,000		1,443	12	3,10,000	3,15 000		3,333	12
30 000	32,000		1,473	12	3 15,000	3,20,000		3,363	12
32 000	34 000		1,503	12	3,20 000	3,25,000		3,393	12
34,000	36,000		1,533	12	3 25 000	3,30,000		3,423	12
36,000	38,000		1,563	12	3 30,000	3,35,000		3,453	12
38,000	40,000		1,593	12	3,35,000	3,40,000		3,483	12
40,000	42,000		1,623	12	3 40,000	3,45,000		3,513	12
42,000	44,000		1,653	12	3 45 000	3,50 000		3,543	12
44 000	46,000		1,683	12	3,50,000	3,55,000		3,573	12
46,000	48,000		1,713	12	3,55,000	3,60,000		3,603	12
48,000	50,000		1,743	12	3,60 000	3,65,000		3,633	12
50,000	55,000		1,773	12	3,65,000	3,70,000		3,663	12
55,000	60,000		1,803	12	3 70,000	3,75,000		3,693	12
60,000	65,000		1,833	12	3,75,000	3,80,000		3,723	12
65,000	70,000		1,863	12	3,80,000	3,85,000		3,753	12
70,000	75,000		1,893	12	3,85,000	3,90 000		3,783	12
75,000	80,000		1 923	12	3,90,000	3,95,000		3,813	12
80,000	85,000		1,953	12	3,95,000	4,00,000		3,843	12
85,000	90,000		1,983	12	4 00 000	4,05 000		3,873	12
90,000	95,000		2 013	12	4 05,000	4,10,000		3,903	12
95,000	1,00 000		2,043	12	4 10 000	4,15 000		3,933	12
1 00,000	1,05 000		2,073	12	4 15,000	4,20,000		3,963	12
1,05,000	1,10,000		2,103	12	4 20,000	4,25,000		3,993	12
1,10,000	1,15,000		2,132	12	4,25,000	4,30,000		4,023	12
1 15,000	1,20,000		2,163	12	4,30,000	4,35,000		4,053	12
1,20,000	1,25,000		2,193	12	4,35,000	4,40,000		4,083	12
1 25 000	1 30 000		2,223	12	4,40,000	4,45,000		4 113	12
1,30 000	1,35 000		2,253	12	4,45,000	4,50,000		4,143	12
1,35,000	1,40,000		2,282	12	4,50,000	4,55,000		4,173	12
1,40 000	1,45,000		2,313	12	4,55,000	4,60,000		4,203	12
1 45 000	1,50,000		2,343	12	4 60,000	4,65,000		4,233	12
1 50 000	1,55,000		2,373	12	4,65,000	4,70,000		4,263	12
1 55 000	1 60 000		2,403	12	4,70,000	4,75,000		4,293	12
1 60 000	1,65,000		2,433	12	4 75,000	4,80,000		4,323	12
1 65 000	1 70,000		2,463	12	4,80 000	4,85,000		4,353	12
1 70,000	1,75,000		2,493	12	4,85,000	4,90,000		4,383	12
1 75 000	1,80 000		2,523	12	4 90,000	4,95,000		4,413	12
1,80 000	1 85 000		2 553	12	4,95,000	5,00,000		4,443	12
1 85,000	1 90 000		2,583	12	5,00,000	5,05,000		4,473	12
1 90,000	1,95,000		2,613	12	5,05,000	5,10,000		4,503	12
1,95 000	2 00,000		2,643	12	5,10,000	5,15,000		4,533	12
2 00 000	2 05,000		2 673	12	5,15,000	5,20,000		4,563	12
2 05,000	2,10 000		2,703	12	5,20,000	5,25,000		4,593	12
2 10,000	2,15,000		2,733	12	5,25,000	5,30,000		4,623	12
2 15 000	2 20 000		2 763	12	5,30,000	5,35,000		4,653	12
2 20,000	2 25,000		2,793	12	5,35,000	5,40,000		4,683	12

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs	Rs	Rs A	Rs	Rs	Rs A
5,40,000	5,45,000	4,713 12	6,50,000	6,55,000	5,373 12
5,45,000	5,50,000	4,743 12	6,55,000	6,60,000	5,403 12
5,50,000	5,55,000	4,773 12	6,60,000	6,65,000	5,433 12
5,55,000	5,60,000	4,803 12	6,65,000	6,70,000	5,463 12
5,60,000	5,65,000	4,833 12	6,70,000	6,75,000	5,493 12
5,65,000	5,70,000	4,863 12	6,75,000	6,80,000	5,523 12
5,70,000	5,75,000	4,893 12	6,80,000	6,85,000	5,553 12
5,75,000	5,80,000	4,923 12	6,85,000	6,90,000	5,583 12
5,80,000	5,85,000	4,953 12	6,90,000	6,95,000	5,613 12
5,85,000	5,90,000	4,983 12	6,95,000	7,00,000	5,643 12
5,90,000	5,95,000	5,013 12	7,00,000	7,05,000	5,673 12
5,95,000	6,00,000	5,043 12	7,05,000	7,10,000	5,703 12
6,00,000	6,05,000	5,073 12	7,10,000	7,15,000	5,733 12
6,05,000	6,10,000	5,103 12	7,15,000	7,20,000	5,763 12
6,10,000	6,15,000	5,133 12	7,20,000	7,25,000	5,793 12
6,15,000	6,20,000	5,163 12	7,25,000	7,30,000	5,823 12
6,20,000	6,25,000	5,193 12	7,30,000	7,35,000	5,853 12
6,25,000	6,30,000	5,223 12	7,35,000	7,40,000	5,883 12
6,30,000	6,35,000	5,253 12	7,40,000	7,45,000	5,913 12
6,35,000	6,40,000	5,283 12	7,45,000	7,50,000	5,943 12
6,40,000	6,45,000	5,313 12	7,50,000	7,55,000	5,973 12
6,45,000	6,50,000	5,343 12	7,55,000		6,000 0

SCHEDULE III

Fixed Fees

No	Proper fee
1 Application or petition	<p>(a) When presented to any Civil, Political or Criminal Court or to any Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order or any other document from the record of the Agency Two annas</p> <p>(b) When presented to a Subordinate Civil Court or to a Small Causes Court in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees Two annas</p> <p>(c) When presented to the Huzur Deputy Political Agent [or thandār as the case may be] in connection with municipal matters under any rule or Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement Two annas</p>

No.		Proper fee
	(d) When containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any Criminal Court	Eight annas
	(e) When presented to a Civil or Criminal Court or to an Executive Officer below the rank of a Deputy Political Agent and not otherwise provided for	Eight annas
	(f) When presented to a Civil, Political or Criminal Court or to an Executive Officer of the rank of a Deputy Political Agent and not otherwise provided for	One rupee
	(g) When presented to the Political Agent or the Court of the Political Agent	Two rupees
	(h) When presented to the Political Agent or the Court of the Political Agent, in the exercise of its power as a High Court and not otherwise provided for	Four rupees
2	Application for leave to sue or appeal as a Praper ...	One rupee
3	Plaint or memorandum of appeal in a suit to obtain possession under Act XVI of 1838 or the Bombay Mamltdars Courts Act, 1906	One rupee
4	Bail-bond or other instrument of obligation in pursuance of an order made by a Court or Magistrate under the Civil or Criminal Procedure Code or by a Political Court not otherwise provided for by the rules	One rupee
5	Mukhtarnama or Wakalatnama	
	When presented for the conduct of any one case	
	(a) to any Civil, Criminal or Political Court or to any Executive Officer except such as are mentioned in clause (c) of this number	One rupee
	(b) to the Court of the Political Agent in ordinary cases	Two rupees
	(c) to the Political Agent or the Court of the Political Agent in the exercise of its powers as a High Court	Three rupees

No		Proport fee
6	Memorandum of appeal (a) to the Court of the Political Agent (b) to any other Court	Three rupees Two rupees
7	Plaint or memorandum of appeal in a suit to obtain possession of a wife or for conjugal rights	Five rupees
8	Plaint or memorandum of appeal in each of the following suits — (1) to alter or set aside a summary decision or order of any Civil Court (2) to obtain a declaratory decree where no consequential relief is prayed (3) to set aside a decree or award (4) to set aside an adoption (5) every other suit where it is not possible to estimate its money value the subject matter in dispute and which is not otherwise provided for	Eighteen rupees
9	Application under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908	Ten rupees.
10	Application under paragraph 20 of the Second Schedule to the Code of Civil Procedure, 1908	Five rupees
11	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure 1908	Twenty rupees
12	Appeal from an order under Section 17 of the Code of Civil Procedure 1908, when presented (a) to any Agency Court other than the Court of the Political Agent (b) to the Court of the Political Agent in the exercise of its powers as a High Court	One rupee Four rupees
13	Application — (a) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1865 or the Probate and Administration Act, 1881	Two rupees When the amount or value of the estate does not exceed two thousand rupees When it exceeds two thousand rupees but does not exceed five thousand rupees

No			Proper fee.
	(b) for a certificate under the Succession Certificate Act, 1889 or Bombay Regulation VIII of 1827	When it exceeds five thousand rupees	Ten rupees
14	Application for the appointment of a guardian of a minor, for declaring a person to be such a guardian, or for the removal of a guardian under the Guardian and Wards Act, 1890, except where the applicant is the Political Agent	.....	Ten rupees.
15	Application under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property	When the amount or value of the property exceeds five hundred rupees	Ten rupees

[*Bombay Government Gazette*, 1925, Pt I, p 3318]

Rules for the appointment and control of Mukhtiar

Bombay Government letter No 3723-B, dated the 27th March, 1926 —

1 No Mukhtiar shall practise in any Thana Court without a sanad issued by the Political Agent

2 There shall ordinarily be two mukhtiar in every Thana and they shall reside at the Thana headquarters No sanad in excess of two in each Thana will be issued unless necessity be shown

3 A sanad shall entitle the holder to practise in one Thana only, viz, that in which he resides

4 A sanad shall be valid for one year and shall be renewable year by year with the proviso that it shall be revocable at any time for any reason, to be recorded in writing, that may appear sufficient to the Political Agent

5 The fee for a sanad shall be Rs 10 and if the sanad be revoked it shall be competent to the Political Agent to refund any portion of the fee paid or not at his discretion

6 In making recommendations for the issue of Mukhtiar's sanads the character of the person applying for the sanad and his legal qualifications should be inquired into, and some qualification for or experience in legal work should always be insisted on Application for a sanad should be made to the Thandar concerned who should forward it to his Divisional Officer In making a recommendation the Thandar should certify that he has satisfied himself by due enquiry that applicant bears good character and reputation, that he has sufficient legal knowledge or experience and is in all respects a suitable person for appointment as mukhtiar The Divisional Officer should verify this certificate as far as lies in his power before he makes his recommendation to the Political Agent

7 Mukhtiar shall be required to follow the recognized rules of conduct for pleaders and misbehaviour shall be punished by suspension or revocation of sanad

8 A Thana Mukhtiar shall not be entitled to appear in any Agency Court or before any Agency Officer other than Thana Officers. But he shall be entitled to draft an application on behalf of any resident of his Thana for submission to any officer through the post or for presentation to any officer by the applicant in person

9 These rules may be applied in Managed Estates if local conditions render their application expedient

[*Bombay Government letter*]

Opium and Intoxicating Drugs Law and regulations and subsidiary rules thereunder

No 426-Pt I, dated the 15th March, 1928—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department No 2859-I-A, dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to enact the following Opium and Intoxicating Drugs Law for the Thana Circles and the Administered Area in the Mahi Kantha Agency, in supersession of all other Laws and Rules at present in force

1 *Short title, extent and commencement*—(1) This law may be called the Opium and Intoxicating Drugs Law of the Thana Circles and the Administered Area in the Mahi Kantha Agency

(ii) It extends to the whole of the territories of the Thana Circles and the Administered Area in the Mahi Kantha Agency

(iii) It shall come into force from the date of the Government Notification sanctioning the rules made thereunder

2 *Definitions*—In this law unless there be something repugnant in the subject or context—

(a) "Raw opium" means the spontaneously coagulated juice obtained from the capsules of the papaver somniferum which has only been submitted to the necessary manipulations for packing and transport, and also includes capsules from which the juice has not been extracted

(b) "Prepared opium" means the product of raw opium, obtained by a series of special operations specially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for smoking and includes madak and chandu and also dross and all other residues remaining when opium has been smoked

- (c) "Medicinal opium" means raw opium which has been heated to 60° centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials, and includes preparations and derivatives of the foregoing not being morphine or heroine
- (d) "Morphine" means the principal alkaloid of opium, having the chemical formula $C_{17} H_{19} NO_3$ and includes—
- (i) All new derivatives of morphine or of its salts, and every other alkaloid of opium, which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects
 - (ii) All preparations (officinal or non-officinal, including the so-called anti-opium remedies) containing morphine or such derivatives or alkaloids as above
- (e) "Heroin" means diacetyl-morphine, having the chemical formula $C_{21} H_{23} NO_5$ and includes its salts and all preparations containing heroine
- (f) "Cocaine" means the principal alkaloid of Erythroxylon Coca, having the chemical formula $C_{17} H_{21} NO_4$ and includes—
- (i) All parts of the coca plant
 - (ii) All new derivatives of cocaine or of its salts which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects
 - (iii) Ecaine and every other preparation, synthetic or otherwise, which has a physiological effect similar to that of cocaine or which is declared by Government to be included in the meaning of the term cocaine
 - (iv) All preparations (officinal or non-officinal including the so-called anti-opium remedies) containing cocaine or ecaine or such derivatives, salts, or preparations as above
- (g) "Admixture of opium" means preparations, admixtures or derivatives of raw opium not being prepared opium, medicinal opium, morphine and heroine
- (h) "Intoxicating drug" includes raw opium, admixtures of opium, prepared opium, medicinal opium, morphine, heroine and cocaine, and every other article which may be declared by Government to be included in the term "intoxicating drug"
- (i) "Chief Opium Officer" means such officer or officers as may from time to time be appointed by the Political Agent to

perform generally, or in any special area, all or any of the duties of Chief Opium Officer under this law

- (j) "Opium Officer" means and includes such persons as may be appointed by the Political Agent, by name or by virtue of their office, to be officers for the collection of the opium revenue and for the prevention of offences against this law
- (k) "Limit of private possession" means with reference to raw opium and its admixtures the quantity of raw opium and its admixtures fixed by regulations or rules made under section 4 as the largest aggregate quantity of such opium and its admixtures which may be possessed by one person at a time otherwise than under a license, permit or pass
- (l) Raw opium and its admixtures shall be deemed to be sold "by wholesale" if the quantities of such opium and its admixtures sold to one person at one time exceed in the aggregate the limit of private possession, and "by retail" if sold in quantities not exceeding that limit
- (m) "Contractor" means a person to whom the privilege of retail sale of raw opium and its admixtures throughout the Thana Circles or the Administered Area has been assigned by a contract granted in pursuance of regulations or rules made under this law
- (n) "Manufacture" includes every process by which any intoxicating drug is wholly or partly prepared for consumption or sale

3 *Prohibition of Import, etc., of intoxicating drug*—Except as permitted by this law or by the regulations or rules made thereunder no person shall—

- (a) cultivate the poppy or the coca plant,
- (b) import,
- (c) export,
- (d) transport,
- (e) manufacture,
- (f) possess, or
- (g) sell

any intoxicating drug

4 *Power to make rules and regulations*—The Local Government may make regulations and subsidiary rules consistent with this law to permit subject to the payment of duty or other conditions, and to regulate within the whole or any part of the Thana Circles and the Administered Area, all or any of the following matters—

- (a) the cultivation of the poppy or the coca plant,
- (b) the import,
- (c) the export,

- (d) the transport,
- (e) the manufacture,
- (f) the possession, or
- (g) the sale

of any intoxicating drug, and generally to further the objects of this law.

5 *Penalty for certain offences*—(1) Any person who in contravention of this law or of regulations or rules made under section 4—

- (a) cultivates the poppy or the coca plant,
- (b) imports,
- (c) exports,
- (d) transports,
- (e) manufactures,
- (f) possesses, or
- (g) sells

any intoxicating drug, and any person who otherwise contravenes such regulations or rule, shall, on conviction, be punished for each such offence with imprisonment which may extend to one year, or with a fine which may extend to one thousand rupees or with both, and when a fine is imposed, the Court may direct the offender to be imprisoned in default of payment of the fine for a term which may extend to three months, and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced

(2) *Penalty for attempting to commit or abetment of an offence*—Any person who attempts to commit or abets the commission of any offence punishable under sub-section (1) or who receives or retains any intoxicating drug in respect of which an offence under sub-section (1) has been committed, knowing or having reason to believe that such offence has been committed, shall be punished with the punishment provided for the offence

(3) *Penalty for repetition of offence*—Any person who, having been previously convicted of an offence under sub-section (1) or under sub-section (2) is again convicted of an offence under sub-section (1) or under sub-section (2) shall be liable to double the punishment provided by sub-section (1) or by sub-section (2)

6 *Presumption of evidence*—In any prosecution under section 5, it shall be presumed, until the contrary is proved, that all intoxicating drugs for which the accused person is unable to account satisfactorily are those in respect of which he has committed an offence under this law

7 *Confiscation*—In any case in which an offence under section 5 has been committed—

- (a) the poppy or the coca plant so cultivated,
- (b) the intoxicating drug in respect of which any offence under the same section has been committed, and

(c) when in the case of an offence under clauses (b), (c), or (d) of sub-section (1) of the same section, the offender is importing, exporting or transporting any intoxicating drug exceeding the quantity, if any, which he is permitted to import, export or transport as the case may be the whole of the intoxicating drugs which he is importing, exporting, or transporting,

(d) when in the case of an offence under clause (g) of sub-section (1) of the same section, the offender has in his possession any intoxicating drug other than the drug in respect of which the offence has been committed the whole of such other drug

shall be liable to confiscation by order of the Court by which any person charged with such offence is convicted

The vessels, packages and coverings in which any article liable to confiscation as above is found and the other contents (if any), of the vessels or the packages in which the article may be concealed, and the animals and conveyances used in carrying it shall be similarly liable to confiscation

8 *Plant or intoxicating drug may be confiscated even if accused is acquitted or discharged*—When the person charged with an offence in respect of any plant or intoxicating drug is acquitted or discharged, the Court by which the case is tried may nevertheless order the confiscation of the plant or intoxicating drug

9 *Procedure to be followed when offence is believed to have been committed*—Whenever there is reason to believe that an offence has been committed under this law, and the offender is not known or cannot be found or is not within the jurisdiction of the Thana or the Administered Area Courts, but goods believed to be liable to confiscation are within such jurisdiction, or when intoxicating drugs not in the possession of any person cannot be satisfactorily accounted for any Court exercising powers not lower than those of a Magistrate of the second class within whose jurisdiction such offence is reasonably believed to have been committed or such goods or drugs are situated may enquire into the case in the manner prescribed for summary trials and may pass such orders in regard to the goods or drugs as it might have passed if the offender had been before it. Provided that no such order shall be passed except after giving notice of the proceedings to any person in possession of the goods or drugs or known or believed to have any title or interest to or in them, and after affording him an opportunity of making any representations or adducing any evidence that he thinks fit. Provided also that no such order shall be made until a notice stating the purport of the intended order, and inviting persons objecting to the same to appear and to state their objections by a specified date, has been affixed for one month to a

conspicuous place in the Courthouse, and until all objections made in compliance therewith have been duly recorded and considered

10 *Appeal*—Every order passed under section 7, section 8 or section 9 shall be appealable to the Court to which appeals against orders of the Court passing it ordinarily lie

11 *Power to enter and inspect licensed premises*—Subject to any restrictions that may be imposed by regulations or rules made in this behalf, any opium officer may enter and inspect at any time by day or by night the shop or premises in which any contractor or any person licensed under this law or the regulations and rules made thereunder carries on his business

12 *Power to enter and inspect premises where intoxicating drugs liable to confiscation are manufactured, kept or concealed*—Any opium officer specially empowered by the Political Agent in this behalf who has reason to believe from personal knowledge or from information given by any person and taken down in writing, that intoxicating drugs liable to confiscation under this law are manufactured, kept or concealed in any building, or enclosed place, may, between sunrise and sunset—

- (a) enter into any such building or place,
- (b) in case of resistance break open any door and remove any other obstacle to such entry,
- (c) seize such intoxicating drugs and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under section 7 or section 8 or section 9 or under any other law for the time being in force;
- (d) detain and search, and if he thinks proper arrest any person whom he has reason to believe to be guilty of any offence under this law or any other law relating to intoxicating drugs for the time being in force.

13. *Power to seize intoxicating drug liable to confiscation and to search*—Any opium officer may—

- (a) seize in any open place or in transit any intoxicating drug or other thing which he has reason to believe to be liable to confiscation under section 7 or section 8 or section 9 or under any other law for the time being in force relating to intoxicating drugs,
- (b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has intoxicating drugs in his possession, arrest him and any other persons in his company

14 *Search how made*—All searches under section 12 or section 13 shall be made in accordance with the provisions of the Code of Criminal

Procedure as for the time being in force in the Thana Circles or the Administered Area

15 *Warrant may be issued for the arrest or search of person believed to have committed an offence*—The Chief Opium Officer or the officer in charge of a district may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to intoxicating drugs, or for the search, whether by day or night, of any building or place in which he has reason to believe intoxicating drugs liable to confiscation to be kept or concealed. All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure as for the time being in force in the Thana Circles or the Administered Area

16 *Disposal of persons arrested and things seized*—Every person arrested and thing seized under section 12 or 13 shall be forwarded without delay to the officer in charge of the nearest police station, and every person arrested and thing seized under section 15 shall be forwarded without delay to the officer by whom the warrant was issued

Every officer to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing

17 *Arrest and seizure to be reported*—Whenever any officer makes any arrest or seizure under this law he shall within forty-eight hours next after such arrest or seizure make a full report of all particulars of such arrest or seizure to his immediate official superior

18 *Certain officers bound to help opium officers*—All police, revenue, customs and excise officers are required to aid the opium officers in the due execution of this law, upon request made by such opium officers

19 *Penalty for unnecessary or vexatious entry, or search, etc*—Any opium officer who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched any building, or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any intoxicating drug or other thing liable to confiscation under this law, or vexatiously and unnecessarily detains, searches or arrests any person, or commits any other excess not required for the execution of his duty shall for every such offence be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, and when a fine is imposed the Court may direct that in default of payment of the fine the offender shall be imprisoned for a term which may extend to three weeks

20 *Penalty for obstructing any officer in the performance of his duties*—Any person who wilfully obstructs any officer in the performance of his duty or in the exercise of any power conferred by this law shall be punished with imprisonment for a term which may extend to six months

or with fine which may extend to one thousand rupees, or with both, and when a fine is imposed the Court may direct that in default of payment of the fine the offender shall be imprisoned for a term which may extend to six weeks, and such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced

21 *Penalty for connivance of offence*—Any person exercising local jurisdiction, any owner or occupier of land, and any agent of such owner or occupier, who authorizes or connives at the illegal cultivation of the poppy, or the coca plant, or the illegal manufacture or sale of intoxicating drugs shall be punishable with the punishment provided for the offence authorized or connived at

22 *Suspension of execution of sentence of imprisonment*—When an offender has been sentenced to fine only and to imprisonment in default of payment of fine and the fine is not paid forthwith, the provisions of section 388 of the Code of Criminal Procedure, 1898, shall apply.

23 *Recovery of arrear of duty or fee*—Any arrear of any duty or fee imposed under this law or any regulation or rule made thereunder and any arrear due from any contractor may be recovered from the person primarily liable to pay the same to the fund concerned, or from his surety, if any, as if it were an arrear of land revenue

24 *Assistance to contractors*—When any amount is due to a contractor from his licensee, such contractor may make an application to the Chief Opium Officer praying such officer to recover such amount on behalf of the applicant, and on receiving such application such Chief Opium Officer may in his discretion recover such amount as if it were an arrear of land revenue and shall pay any amount so recovered to the applicant. But the licensee shall not thereby be debarred from contesting the contractor's demand in a Civil Court

25 *Things confiscated, rewards and confiscations to be regulated by rules*—(a) The disposal of all things confiscated under this law, and (b) the rewards to be paid to officers and informers out of the proceeds of fine, and confiscations under this law shall be regulated by rules made under section 4

26 *Exemptions*—The Local Government may from time to time, subject to such conditions, if any, as they may impose, exempt generally or within any specified area any specified article or class of article or any specified person or class of person from all or any of the provisions of this law, or of regulations or rules made thereunder, and may cancel any such exemption

27 *Cognizance of offences*—No Court shall take cognizance of any offence under this law—

- (a) except on the complaint or report of an opium officer or of a police officer of rank not below that of an officer in charge of a police station, or

- (b) except on its own knowledge or suspicion, the substance of which shall be reduced to writing, or
- (c) in any case in which the prosecution is instituted after expiry of a year after the date on which the offence is alleged to have been committed, unless such prosecution is instituted with the previous sanction of the Chief Opium Officer

Regulations

The following regulations are made and exemptions notified by the Local Government in pursuance of sections 4 and 25 of the Opium and Intoxicating Drugs Law of the Thana Circles and the Administered Area of the Mahi Kantha Agency, hereinafter called “the Law”

Saving—Nothing in these regulations or in any rules made thereunder shall be deemed to authorize the import of intoxicating drugs from, their export to, or their transport through any foreign territory or any part of British India or of any other State otherwise than in accordance with the laws, regulations and rules in force in such territory, part or State regarding the export, import or transport (as the case may be) of the same

SECTION I—RAW OPIUM AND ADMIXTURES OF OPIUM

CHAPTER I

Unlicensed Persons

1 *Import*—Any person entering the Thana Circles or the Administered Area may import in his personal possession raw opium and its admixtures in quantities not exceeding in the aggregate the limit of private possession, provided that the same has been lawfully purchased, or in the case of admixtures lawfully manufactured, and lawfully possessed by him in the province, State or other area from which it is imported

2 *Possession*—Any person may possess raw opium and its admixtures in quantities not exceeding in the aggregate the limit of private possession, provided that the same has been—

- (i) lawfully imported by him under regulation 1
- (ii) lawfully purchased from a licensed vendor, or
- (iii) lawfully manufactured from opium so imported or purchased

3 *Manufacture*—Any person may manufacture from raw opium lawfully in his possession under regulation 2 admixtures of opium in quantities not exceeding in the aggregate the limit of private possession

4 *Transport and Export*—Any person may transport and may export in his personal possession when leaving the Thana Circles or the Administered Area, in quantities not exceeding in the aggregate the limit of

private possession, raw opium and its admixtures lawfully in his possession under regulation 2

CHAPTER II.

Retail Sale—Contractors and Licensed Vendors

1 The term “contractor” means a contractor for the retail sale of raw opium only. Every contract shall be issued in the form prescribed and by the officer specified in rules made in this behalf.

2 The terms “licensed retail vendor” and “licensed vendor” mean a person holding a license in the prescribed form, issued by the officer specified in rules made in this behalf, or granted by a contractor having authority to grant the same and countersigned by the officer specified in the rules, for the sale by retail at a specified shop or shops of raw opium only.

3 Subject to the rules made in that behalf and to the conditions of his license—

(i) *Possession and Transport*—A licensed vendor may possess at the premises covered by his license, or in direct transit thereto from places from which he has lawfully obtained it, any quantity of raw opium lawfully obtained by him in the manner prescribed by the rules,

(ii) *Retail sale*—A licensed vendor may sell by retail raw opium lawfully in his possession.

CHAPTER III

Regarding Subsidiary Rules

The transport, possession and sale of raw opium shall be further subject to rules made under the law, subsidiary to and consistent with these regulations.

In particular, such rules shall—

- (i) prescribe the manner in which and the duties or other charges on payment of which licensed vendors shall obtain supplies of raw opium, and prohibit the possession and sale by them of opium excepting such as shall have been so obtained,
- (ii) specifically prohibit the possession by licensed vendors of prepared opium, or admixtures of opium on the premises covered by their licenses, and the sale by them of the same,
- (iii) prohibit the employment by licensed vendors in the sale of raw opium of persons suffering from leprosy or contagious disease, and of any minor, female (other than a relative of a licensee) or eunuch.

- (iv) prohibit the sale of opium to any insane or intoxicated person or to any person under the age of 20 years

SECTION II—PREPARED OPIUM

The import, export transport, manufacture possession and sale of prepared opium are absolutely prohibited

SECTION III—MEDICINAL OPIUM, MORPHINE, HEROINE AND COCAINE

1 These regulations may be cited as the Dangerous Drugs Regulations

2 In these regulations unless there is something repugnant in the subject or context—

“ Dangerous drug ” includes medicinal opium, morphine, heroine, and cocaine

3 (a) Any person may possess such quantity of dangerous drugs as has been at one time dispensed for his use from a medical institution of a Thana or the Administered Area or in accordance with the provisions of regulations or rules for the time being in force in any part of British India.

(b) (i) Any medical or veterinary practitioner authorised by the Political Agent to possess without a permit or pass dangerous drugs for use in his practice but not for sale may possess for the said purpose such quantities of dangerous drugs as are specified in his permit or authorization

(ii) Any medical or veterinary practitioner authorised by the law and rules in force in British India to possess without a permit or pass dangerous drugs for use in his practice but not for sale may in like manner and for the like purpose possess such quantities of dangerous drugs as he is authorized as above to possess in British India

4 Any person may import, export and transport such dangerous drugs as he may lawfully possess under regulation 3

5 Nothing in these regulations shall be deemed to authorize—

(i) the import of dangerous drugs from their export to, or their transport through any foreign territory or any part of British India or of any other State otherwise than in accordance with the laws regulations and rules in force in such territory, part or State regarding the export, import, or transport as the case may be of the same

(ii) the import, export or transport of dangerous drugs by post

Provided that in case of transport of medicinal opium morphine, heroine and cocaine from one part of the Thana Circles or the Administered Area to another through intervening British territory, a pass issued

by the Chief Medical Officer of the Agency will be deemed sufficient authority for such transport through the intervening British territory.

SECTION IV—EXEMPTIONS

The following are exempted from the operations of the law and the regulations and rules made thereunder, *viz* —

- (i) intoxicating drugs in direct transit through the limits of the Thana Circles or the Administered Area to or from British India or British Administered Area in accordance with the law in force in British India or in such area,
- (ii) the import, export, transport, manufacture, possession and sale of raw opium and its admixtures on behalf of the administration of the Thana Circles and the Administered Area, provided that this exemption shall not be deemed to authorize the import or export of raw opium and its admixtures unless the regulations and rules for the time being in force at the place of origin or of destination and in the territories (if any) through which the raw opium or its admixtures will pass in transit have been complied with;
- (iii) the transport, manufacture, possession and sale for medicinal purposes only of intoxicating drugs by such medical institutions of the Thana Circles or the Administered Area as may be admitted by the order in writing of the Chief Opium Officer to the benefit of this exemption, and their import by such institutions under and subject to the conditions of a pass obtained from the Political Agent,
- (iv) every preparation containing intoxicating drugs which is or may from time to time be exempted from the operation of the laws and rules in force in the Bombay Presidency relating to such drugs, provided that every such exemption shall be subject to the restrictions and conditions attaching to the like exemption in the Bombay Presidency.

Subsidiary Rules relating to “raw opium” and “admixtures of opium.”

The following rules and appointments are made and powers conferred in pursuance of sections 2 (i), (j), (k), 4, 12, and 24 of the Opium and Intoxicating Drugs Law (hereinafter called the law) and of the regulations made thereunder, *viz* —

1 *Disposal of licenses for retail sale*—Shops for the retail sale of raw opium shall be allowed only at such places as the Chief Opium Officer with the sanction of the Political Agent may from time to time determine, and the exclusive right of selling raw opium by retail at each one

of these shops (or at more than one of them as the Political Agent may direct) shall be sold by the Chief Opium Officer at the commencement of each excise year or assigned in such other mode as the Political Agent may from time to time prescribe. The sale or assignment must be reported to the Political Agent for sanction. Unless the Political Agent shall otherwise specially direct such exclusive right shall be sold or assigned for one year only. The exclusive right thus sold or assigned shall not be exercised until a license in the prescribed form has been granted by the Chief Opium Officer to the purchaser or assignee.

2 *License may be cancelled* —A license granted by the Chief Opium Officer may be cancelled by him or the Political Agent.

3 *Cancellation of license for cause not specified* —Whenever the Chief Opium Officer considers that any such license should be cancelled for any cause not specified therein he shall remit a sum equal to the amount of fee payable for fifteen days and shall either give fifteen days' notice of his intention to cancel the license or shall, in addition to remitting the sum aforesaid, make such compensation for default of notice as the Political Agent may direct.

4 *Surrender of license* —A licensed vendor may surrender his license on the expiration of one month's previous notice in writing given by him to the Chief Opium Officer of his intention to do so and on payment of such sum, not exceeding the amount of the fee for six months, as the Chief Opium Officer may fix in this behalf.

5 *Disposal of contracts for the exclusive privilege of retail sale* —The Chief Opium Officer may, with the sanction of the Political Agent, grant by contract, by public auction or in such other manner as the Political Agent may prescribe, the exclusive privilege of retail sale of raw opium throughout the limits of the Thana Circles or the Administered Area.

When such a contract is granted the contractor may, subject to the conditions of his contract, himself sell by retail and grant licenses under the countersignature of the Chief Opium Officer for the retail sale of raw opium at the shops included in the local limits of his contract.

6 *Contract may be cancelled* —(a) The Chief Opium Officer may, with the sanction of the Political Agent, cancel a contract granted under rule 5, or within the term of the contract make or impose such reservations or restrictions with regard to the grant of licences as he thinks fit.

(b) If the contract is cancelled for any cause specified therein the contractor shall not be entitled to compensation for any loss that he may sustain thereby.

(c) If the contract is cancelled for any cause not specified therein or if any reservations or restrictions are made or imposed during the term of the contract, the contractor shall be entitled to such compensation for any loss sustained thereby as the Political Agent may direct.

7 *Opium to be supplied to licensed vendors only*—Opium shall be supplied on prepayment, at such places, by such officers, and at such rates per seer as the Political Agent may from time to time prescribe, to licensed vendors only

8 *Procedure regarding transport of opium*—When a licensed vendor wishes to transport opium purchased by him under rule 7 for sale at his shop, he shall obtain an entry in a shop pass book, signed by the officer from whom the opium is obtained, for each consignment. The pass book shall contain the following particulars.—

- (1) Name of licensed vendor—
- (2) Date—
- (3) Quantity of opium purchased—
- (4) Signature of opium officer—

9 *Transit of opium*—The transit of raw opium or its admixtures consigned to a British area or to another State is permitted under and in accordance with the terms of a pass granted by the Political Agent

10 *Forms of licenses and contracts*—Licenses for retail vend granted by the Chief Opium Officer, contracts for the exclusive privilege of retail vend, and licenses for retail vend, granted by the contractor shall be in Forms I—III, respectively, of the forms annexed to these rules. A counterpart of each license and contract shall be executed by the licensed vendor or contractor and filed in the office of the Chief Opium Officer

11 *Contractor to furnish a list of licenses*—When a contract for the exclusive privilege of retail sale of raw opium has been granted, the contractor shall furnish to the Chief Opium Officer by the 1st day of the Excise year a list of licenses granted by him containing the following particulars —

Locality of shop	Name of licensee with caste, parentage and residence

12 *Disposal of confiscated articles*—Raw opium confiscated under the law may, if its value exceeds Rs 10, be sold to a retail vendor for a price not less than the price which would be payable for such opium if obtained by him in the ordinary way. Raw opium of value less than Rs 10, or which cannot be disposed of in the foregoing manner, and all other

intoxicating drugs confiscated under the law shall be destroyed under the orders and in the presence of the officer ordering their confiscation

All other articles confiscated under the law shall be sold by the Chief Opium Officer by public auction

13 *Rewards* —When an offender has been convicted or any article confiscated under the law, the Court or confiscating officer may grant to any person who has in any way contributed to the conviction or confiscation a reward equal to the whole or portion of any fine imposed upon the offender and paid by him or realized from his property, and the whole or any portion of the value of the articles confiscated

If the fine is not realized, or is realized only in part, the Chief Opium Officer may, within a limit of Rs 25 order the payment from the fund concerned of the full amount, or of the unrealized balance as the case may be

14 *Special reward* —If the Chief Opium Officer is of opinion that a larger reward than has been granted or than might have been granted under the foregoing rule ought to be given to any person who has contributed to the conviction he may grant a special reward not exceeding Rs 50

15 *Appointments and powers* —The following classes of officers are appointed to be opium officers *viz* —all the Thandars including Deputy Thandar Vatrak Kantha and the Huzur Deputy Political Agent for the Sadra Bazar, and the powers mentioned in section 12 of the law are conferred on the following classes of officers *viz* —the Police Station Officers of the Agency Police

16 *Officers empowered to perform duties of Chief Opium Officer* —The following officers are appointed to perform in the following areas the duties of Chief Opium Officer under the law —the Deputy Political Agents in charge of their respective areas

17 *Limit of private possession* —Three tolas are fixed as the limit of private possession of raw opium and its admixtures

18 *Arrangements for the sale of opium* —(a) As an alternative to the arrangements for which provision is made in rules 1 to 11 the Chief Opium Officer may with the sanction of the Political Agent, arrange for the sale of raw opium either—

(i) by departmental agency

or

(ii) by vendors remunerated by a commission on sales

(b) Shops shall be allowed only at places determined in accordance with rule 1 and the departmental sale-man or vendor at each shop shall be appointed by the Chief Opium Officer in such manner, and shall be removable subject to such conditions as may be determined by the Political Agent

(c) Raw opium shall be supplied to such salesmen or vendors by such officers and at such prices, and raw opium shall be sold by them to the public at such prices, as may be fixed in each behalf by the Chief Opium Officer with the previous sanction of the Political Agent

(d) Every such salesman or vendor shall be supplied by the Chief Opium Officer with a license which shall contain—

(i) the particulars included in the preamble of Form I and the provisions contained in conditions 4 to 17 of Form I,

(ii) a condition specifying the prices at which the sale of raw opium is permitted

FORM I

License for retail vend of raw opium granted by the Chief Opium Officer and counterpart of the same.

Taluka—

Locality of retail shop—

Name of licensed vendor—

Be it known that _____, son of _____ resident of _____ is hereby authorized by the Chief Opium Officer to sell raw opium by retail at _____ from the _____ of _____ 19 _____ to the _____ of _____ 19 _____ in pursuance of regulations and rules made under the Opium and Intoxicating Drugs Law (hereinafter referred to as the law) and subject to the following conditions —

1 That the said licensee shall pay to the Chief Opium Officer on behalf of the Political Agent the sum of Rs _____ in the following instalments (in addition to the sum of Rs _____, being one-sixth of the annual payment, already deposited by him, which if it be not immediately forfeited for default or breach of conditions, shall be set off against the 11th and 12th instalments).—

On the 1st April	Rs	On the 1st October	Rs
Do May	„	Do November	„
Do June	„	Do December	„
Do July	„	Do January	„
Do August	„	Do February	„
Do September	„	Do March	„

2 That in case of default or of infringement by the licensee or by his servant or agent, or with his knowledge and consent by any person acting under his authority or on his behalf, of any condition of this license or of any provision of the law or regulations or rules made thereunder it shall be competent to the Chief Opium Officer (without prejudice to the liability to punishment under the law of the licensee or of any person by whom an offence punishable under the law may have been committed),

to cancel this license, to confiscate the deposit and to resell the license at the risk of the licensee, and after deducting the confiscated deposit from any loss arising from the resale to recover the remainder, if any, from the licensee, as if it were an article of revenue

3 That the licensee shall not be entitled to any portion of the profit, if any, arising on such resale

4 That he will sell only raw opium obtained in accordance with the rules made under section 4 of the law

5 (a) That he will not sublet or transfer the business covered by this license nor employ therein any salesman without the express sanction, endorsed on this license of the Chief Opium Officer That no person suffering from leprosy or other contagious disease shall be employed in the transport or sale of raw opium, and that no minor, female (other than a relative of the licensee) or eunuch shall be employed in the sale of opium

(b) That he will not, without the written permission of the Chief Opium Officer hold or acquire any interest in a license or contract for the retail sale in the area covered by this license, or in any adjacent area, of any excisable commodity other than raw opium, nor will he without such permission employ any person holding such an interest

6 That he will sell raw opium only at the shop for which this license is granted

7 That he will not permit the consumption of raw opium or its admixtures in his shop or on any other premises in his occupation

8 That he will not adulterate the raw opium sold by him

9 That he will not receive any wearing apparel or other goods in barter for raw opium

10. That he will sell no raw opium to any insane or intoxicated person or to any person under 20 years of age

11 That he will not sell to any one person at any one time more raw opium than the limit of private possession, viz 3 tolas

12 That he will not sell prepared opium or admixtures of opium nor shall he possess prepared opium or admixtures of opium or permit the smoking of opium, on the premises covered by this license

13 That he will not open his shop or make sales therein between the hour of 9 p m and sunrise and that he will not harbour any person therein during the night

14 That he will not permit persons of notoriously bad character to resort to his shop, that he will not permit gaming or disorderly conduct therein and that he will give information to the nearest Magistrate or the Police Officer of the resort thereto of any person suspected of the commission of a cognizable offence

15 That he will have constantly affixed at his shop a sign-board bearing the following inscription in the local vernacular —

—————Licensed to retail raw opium

16 That he will, if so required by the Chief Opium Officer, keep up daily accounts in the annexed form showing the receipts and expenditure at his shop of raw opium and the balance in store —

Raw Opium

Date	Quantity of raw opium in store yesterday	Quantity received this day and whence received	Total to be accounted for	Quantity sold this day	Quantity left in store

17 That he will at once produce his license and accounts for inspection on the demand of any opium officer, and that he will permit any such officer to enter his shop at any hour of the day or night

18 This license shall have effect from the _____ to the _____ and unless renewed by the latter date by special order of the Chief Opium Officer shall thereafter cease to remain in force. It shall also cease to remain in force on the 1st day of any previous month in respect of which the licensee shall have failed to pay the instalment reserved by the 1st condition of the license. It shall likewise cease to operate in the event of the death of the licensee during the currency of the license. It may be forfeited by order of the Chief Opium Officer in the event of infraction of any of its conditions or of the holder being convicted of an offence against the law, or the law relating to hemp drugs or excise.

Dated _____

(Signed)

Chief Opium Officer

Reverse of Form I

Name of sanctioned salesman with parentage and residence

Signature of Chief Opium Officer in token of approval

FORM II

Contract of the exclusive privilege of retail vend of raw opium and counterpart of the same.

District—

Area of contract—

Name of contractor—

Be it known that the exclusive privilege of retail vend of raw opium has been granted to _____ son of _____, resident of _____ for the term of _____ commencing from 1st _____ 19 _____, and ending with the _____ 19 _____, in pursuance of regulations and rules made under the Opium and Intoxicating Drugs Law (hereinafter referred to as the law) and subject to the following conditions.—

1 That the said _____ shall pay to the Chief Opium Officer on behalf of the Political Agent the sum of Rs _____ in the following instalments (in addition to the sum of Rs _____, being one-sixth of the annual payment, already deposited by him, which if it be not intermediately forfeited for default or breach of conditions, shall be set off against the 11th and 12th instalments) —

On the 1st April	Rs	On the 1st October	Rs
Do May	„	Do November	„
Do June	„	Do December	„
Do July	„	Do January	„
Do August	„	Do February	„
Do September	„	Do March	„

2 That in case of default or of infringement by the contractor or by his servant or agent, or with his knowledge and consent by any person acting under his authority or on his behalf, of any condition of this contract or of any provision of the law or of regulations or rules made thereunder it shall be competent to the Chief Opium Officer (without prejudice to the liability to punishment under the law of the contractor or of any person by whom an offence punishable under the law may have been committed) to cancel this contract, to confiscate the deposit, and to resell the contract at the risk of the contractor, and after deducting the confiscated deposit from any loss arising from the resale, to recover the remainder, if any, from the contractor as if it were an arrear of revenue, and that the contractor shall not be entitled to any portion of the profit, if any, arising on such resale

3 That this contract shall not be sublet or transferred without the sanction in writing of the Chief Opium Officer

4 That no shops other than those specified in the list annexed shall be licensed by the contractor, and that the site of no shop shall be changed without the permission of the Chief Opium Officer

5 That no license shall be granted to a minor, female or eunuch

6. That a license in Form No III, countersigned by the Chief Opium Officer, shall be given by the contractor, and a counterpart taken and deposited in the Chief Opium Officer's office for every shop licensed by him

NOTE.—In respect of any shop the privilege of retail vend at which is to be exercised by the contractor he will be required to obtain the countersignature of the Chief Opium Officer to a license in Form III

7 That he will file in the office of the Chief Opium Officer by the 1st day of each quarter a list of licenses granted by him containing the following particulars:—

Name of Contractor—

Limits of Contract—

Date	Locality of shop	Name of licensee with caste, parentage and residence

NOTE — Licenses in favour of the contractor as required by the note to condition 6 will also be entered in this list

8 That the contractor shall give immediate information to the Chief Opium Officer of any breach of law, regulations or rules relating to opium or intoxicating drugs that he may know, or have reason to believe, to have been committed by any person holding from him a license for retail sale.

9 That he will not, without the written permission of the Chief Opium Officer, hold or acquire any interest in a license or contract for the retail sale in the area covered by this contract, or in any adjacent area, of any excisable commodity other than raw opium nor will he without such permission employ any person holding such an interest

10 That he will at once produce his contract for inspection on the demand of any opium officer, and that he will permit any such officer to enter his shop at any hour of the day or night

11 This contract shall have effect from the _____
to the _____ and unless renewed by the latter date by
special order of the Chief Opium Officer shall thereafter cease to remain
in force. It shall also cease to remain in force on the 1st day of any

previous month in respect of which the contractor shall have failed to pay the instalment reserved by the 1st condition of this contract. It shall likewise cease to operate in the event of the death of the contractor during the currency of the contract. It may be forfeited by order of the Chief Opium Officer in the event of infraction of any of its conditions or of the holder being convicted of an offence against the law or the law relating to hemp drugs or excise.

Dated

(Signed)

Chief Opium Officer

List of shops for which licenses may be granted (*vide* condition 4) .1

FORM III

License for retail vend of raw opium granted by a contractor and counterpart of the same

Area of contract—

Locality of retail shop—

Name of retail vendor—

Be it known that _____ son of _____ resident of _____ is hereby authorised by the contractor of _____ to sell raw opium by retail at _____ from the _____ of _____ 19 _____, to the _____ of _____ 19 _____, in pursuance of regulations and rules made under the Opium and Intoxicating Drugs Law (hereinafter referred to as the law) and subject to the following conditions.—

1 That he will pay to the contractor in advance on or before the 1st day of each month a monthly fee of Rs

2 That he will sell only raw opium obtained in accordance with the rules made under the law.

3 (a) That he will not sublet or transfer the business covered by this license nor employ therein any salesman without the express sanction, endorsed on this license, of the contractor and also of the Chief Opium Officer. That no person suffering from leprosy or other contagious disease shall be employed in the transport or sale of raw opium and that no minor, female (other than a relative of the licensee) or eunuch shall be employed in the sale of opium.

(b) That he will not without the written permission of the Chief Opium Officer hold or acquire any interest in a license or contract for the retail sale in the area covered by this license or in any adjacent area, of any excisable commodity other than raw opium nor will he without such permission employ any person holding such an interest.

4 That he will sell raw opium only at the shop for which this license is granted

5 That he will not permit the consumption of raw opium or of its admixtures in his shop or on any other premises in his occupation

6 That he will not adulterate the raw opium sold by him

7 That he will not receive any wearing apparel or other goods in barter for raw opium

8 That he will sell no raw opium to any insane or intoxicated person or to any person under 20 years of age

9 That he will not sell to any one person at any one time more raw opium than the limit of private possession, viz , 3 tolas

10 That he will not sell prepared opium, or admixtures of opium nor shall he possess prepared opium, or admixtures of opium or permit the smoking of opium, on the premises covered by this license

11 That he will not open his shop or make sales therein between the hour of 9 p m and sunrise, and that he will not harbour any person therein during the night

12 That he will not permit persons of notoriously bad character to resort to his shop, that he will not permit gaming or disorderly conduct therein, and that he will give information to the nearest Magistrate or Police Officer of the resort thereto of any person suspected of the commission of a cognizable offence

13 That he will have constantly affixed at his shop a sign-board bearing the following inscription in the local vernacular —

"Licensed to retail raw opium"

14 That he will, if so required by the Chief Opium Officer, keep up daily accounts in the annexed form showing the receipts and expenditure at his shop of raw opium and the balance in store

Rau Opium

Date	Quantity of raw opium in store yesterday	Quantity received this day and whence received	Total to be accounted for	Quantity sold this day	Quantity left in store

15 That he will at once produce his license and accounts for inspection on the demand of any opium officer, and that he will permit any such officer to enter his shop at any hour of the day or night

16 This license shall have effect from the _____ to the _____, and unless renewed by the latter date by special order of the Chief Opium Officer shall thereafter cease to remain in force. It may be cancelled by the Chief Opium Officer on the application of the contractor for default of punctual payment of the fee reserved by clause 1 (For this purpose a statement of account certified by the contractor shall be conclusive evidence of such default, but this shall not debar the licensee from contesting such statement in a Civil Court) It shall likewise cease to operate in the event of the death of the licensee during the currency of the license, or of the termination, during such currency, of the contract held by the contractor by whom it is granted It may be forfeited by order of the Chief Opium Officer in the event of infraction of any of its conditions or of the holder being convicted of an offence against the law, or the law relating to hemp drugs or excise

Dated _____

Signature of contractor

Signature of Chief Opium Officer

Reverse of Form III

Name of sanctioned salesman, with parentage
and residence

Signature of the Chief Opium Officer in
token of approval

[*Bombay Government Gazette*, 1928, Pt I, p 505]

Rules regulating the appointment, duties and remuneration of Public Prosecutors and Pleaders

No 5300-B, dated the 13th October, 1928—1 *Appointment of Public Prosecutor*—The Public Prosecutor shall ordinarily be appointed for a term of three years from among the Pleaders holding sanads in the Mahi Kantha Agency The appointment shall be terminable by six months'

notice on either side. In case of necessity a non-Agency Pleader may be appointed to work as Public Prosecutor.

2 *Duties*—The duties of the Public Prosecutor will be restricted ordinarily to Sessions Court business, and they shall be —

- (a) to communicate with and advise Magistrates, in respect of cases committed or about to be committed to the Sessions Court and to conduct the same,
- (b) to prepare and watch proceedings in trials before the Sessions Court and when required by the Political Agent, Magisterial Courts, and to see that the attendance of the necessary witnesses has been secured,
- (c) to conduct prosecutions under the provisions of the Criminal Procedure Code in the Sessions Court and to appear for the Crown in appeals and revisional applications and confirmation proceedings before the Sessions Court and when so required before High Courts
- (d) to advise Courts on legal points which may be referred to them

3 The Public Prosecutor shall not appear for the defence in any criminal case triable by the Court of Sessions.

4 *Remuneration—Fees*—(a) The Public Prosecutor will be paid at the rate of Rs 15 per diem in cases conducted at Sadra. This rate may be enhanced to Rs 25 per day by the Political Agent in cases of unusual importance or difficulty or in which marked industry and ability are required and displayed. Any higher fee than Rs 25 will only be granted with the sanction of the Commissioner, Northern Division, or Government.

A fee of Rs 10 will also be allowed for reading the papers

(b) (1) When the Public Prosecutor is required to appear in Courts away from headquarters he will be entitled to a fee of Rs 20 per day in addition to the following travelling allowance:—

- (i) Single 2nd class fare for railway journey each way and
- (ii) actual cost of road journey subject to the maximum of 4 annas a mile. No other allowances will be admissible

(2) When the Court is at a place which cannot be reached from Sadra in the days of work for which payment is allowed each day of travel will be reckoned as a day of work

(c) When the Public Prosecutor is required to appear before the Court of the Commissioner, Northern Division, he will be given a fee of Rs 30 per diem if the opposite party is represented by a Pleader, otherwise Rs 25 per day. In addition he will be entitled to travelling allowance as mentioned in clause (b) (i) and (ii) above. If the Court

of the Commissioner be held at Ahmedabad days of travelling will not be allowed in the reckoning

(d) In appearance before Government the Public Prosecutor will be entitled to a fee of Rs 30 per diem *plus* travelling allowance as above, and days of travel will be reckoned as days of work

5 *Appointment of Pleader for defence of accused persons*—In cases committed to the Sessions Court in which under the orders of Government, the Political Agent finds it necessary to provide an accused person with a Pleader for his defence at the public expense, the Pleader so appointed will be paid for his services under the above rules

[*Resolution of the Bombay Government*]

Rules for the sanitation of Dabhoda

No 6053-B, dated the 2nd April 1929—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department, No 2859-I-A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for sanitation in the headquarter station of Dabhoda of the Bawishi Thana Circle in the Political Agency of Mahi Kantha —

RULES FOR THE SANITATION OF DABHODA

1 The Japtidar of Dabhoda shall have authority to punish by a fine not exceeding one rupee, or, in default of payment, by confinement in the Japti office for a period not exceeding 12 hours, any person committing any of the nuisances or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts —

- (a) Any person who bathes or washes in, or otherwise defiles or causes to be defiled, any public well, tank or reservoir, so as to render it less fit for any purpose for which it is set apart
- (b) Any person who deposits in forbidden places any dirt, filth or rubbish
- (c) Any person who on any public street passage or thoroughfare, commits nuisance by easing himself
- (d) Any person who without sufficient cause wilfully allows to accumulate any offensive matter in cesspools, dungheaps or the like, so as to cause annoyance to the neighbouring residents or to passengers or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house stable privy or the like

2. The proceedings under these rules shall be oral and held in the presence of the parties, and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded

3 The Thandar of Katosan shall record the names of the parties, the finding, sentence or order or the withdrawal of the charge, with the date of proceedings. The proceedings of the Thandar of Katosan shall be subject to revision by the District Deputy Political Agent, Mahi Kantha.

[*Bombay Government Gazette*, 1929, Pt I, p 540]

Rules for the Sanitation of Mahisa

No 6053-3/B, dated the 2nd April, 1929 —In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department, No 2859-I-A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following rules for sanitation in the Japti village of Mahisa in the Vatriak Kantha Thana within the Political Agency of Mahi Kantha —

RULES FOR THE SANITATION OF MAHISA

1 The Japtidar of Mahisa shall have authority to punish by a fine not exceeding one rupee, or, in default of payment, by confinement in the Japti office for a period not exceeding 12 hours, any person committing any of the nuisances or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts —

- (a) Any person who bathes or washes in or otherwise defiles or causes to be defiled, any public well, tank or reservoir, so as to render it less fit for any purpose for which it is set apart
- (b) Any person who deposits in forbidden places any dirt, filth or rubbish
- (c) Any person who, on any public street, passage or thoroughfare, commits nuisance by easing himself
- (d) Any person who without sufficient cause wilfully allows to accumulate any offensive matter in cesspools, dungheaps or the like, so as to cause annoyance to the neighbouring residents or to passengers, or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, stable, privy or the like.

¹ Printed *supra*, p 68

2 The proceedings under these rules shall be oral and held in the presence of the parties, and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded

3 The Japtidar of Mahisa shall record the names of the parties, the finding sentence or order or the withdrawal of the charge, with the date of proceedings. The proceedings of the Japtidar of Mahisa shall be subject to revision by the District Deputy Political Agent, Mahi Kantha

[*Bombay Government Gazette* 1929, Pt I p 540]

No 5

Page 201—At the end insert the following—

No 3610, dated the 2nd August 1929—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification of the Government of India in the Foreign Department No 2859-I A, dated the 19th June 1903, and of all other powers enabling him in this behalf, and in supersession of Notification No 5987, dated the 7th December 1841, issued by the Political Agent Mahi Kantha Agency, directing the discontinuance of the practice of alienating either by mortgage or sale tribute paying land in the Bawishi Thana of the said Agency, the Governor in Council is pleased to direct that in Rajawat and non-Rajawat villages situated in the said area and in the Matadani villages of Mahisa, Porda, Kapiropur and Dana in the Vatriak Kantha Thana, transfers of tribute-paying land shall be permitted without restriction subject to the following conditions—

- (i) that such transfers in the case of Rajawat villages shall not involve the Matadani rights in the land unless the transferee belongs to the body of Matadani, and

- (ii) that in the case of both kinds of villages a transfer of rights in such land shall not be valid unless the transferee declares in writing to the Political Agent, Mahi Kantha Agency, that he accepts liability for the tribute on the land and also for the payment of the Agency administrative charges, acknowledging the right of Government to recover arrears by distress or, if necessary, by forfeiture and sale of the land

[*Bombay Government Gazette*, 1929, Pt I, p 1706]

No 4607, dated the 9th August 1929—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification of the Government of India in the Foreign Department No 2859-I A, dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to lay down the following rules for the guidance of the Superintendent, Jailors and Warders of the Sadra Jail and Lock-ups in the Thana Circles of the Mahi Kantha Agency, namely —

I — RULES FOR THE SUPERINTENDENT.

- 1 The Superintendent shall visit the Sub-Jail daily except on Sundays and holidays when visits should be made as occasion arises
- 2 He is vested with the executive management of the Jail in all matters subject to the orders of the District Magistrate and the final control of the Inspector General of Prisons, Bombay Presidency.
- 3 He shall see that all the Jail Registers and records are kept up to date and that periodical bills and returns are submitted punctually
- 4 He shall every six months in June and December examine all dead stock appertaining to the Jail, comparing the same with the entries in the Dead Stock Register which he shall sign and date after making any corrections which may be found necessary. The result of the examination shall be reported to the District Magistrate
- 5 He shall satisfy himself that no prisoner whether undertrial or convicted is detained in the Jail except under the authority of a legal warrant or order
- 6 He shall at least once a week inspect the provisions issued to prisoners and shall satisfy himself that the quality is good and the quantity in accordance with the sanctioned scale
- 7 He shall enforce cleanliness in every part of the Jail premises
- 8 He is held equally responsible with the Jailor for any injudicious distribution of the prisoners which ought obviously to have attracted his attention at the time of his daily visit

II — RULES FOR JAILORS

- 1 He shall attend the Jail daily at such hours as the Superintendent shall direct but should not be expected to visit after the closing hour unless he is a whole-time Jailor or unless something of an unusual nature should occur such as a fire, riot, escape or death of a prisoner or

to attend to any urgent communication relating to the Jail which may reach him

2 A whole-time Jailor must visit the Jail at uncertain hours during the night at least twice a week and must enter the dates and hours of these visits in his report book

3. If quarters are provided he must reside in them

4 He shall keep all the Jail Registers and prepare all periodical returns punctually for the signature of the Superintendent.

5 He shall maintain a Report book in which he shall record all occurrences of importance The Report book shall be placed daily before the Superintendent This book may also be used as an order book by the Superintendent and for the remarks of visitors

6 He is responsible for the safe custody and discipline of the prisoners and for the cleanliness and lighting of the Jail premises

7. He shall see that female prisoners are always kept apart from male prisoners and that so far as accommodation allows convicted prisoners, undertrial prisoners, habitual prisoners and juvenile prisoners are separated from each other

8 He is responsible for the safe custody and methodical arrangement of warrants, of the private property of prisoners and of all Government property on the Jail premises

9. He shall count the prisoners morning and evening and shall satisfy himself that no prisoner is detained in the Jail except under a legal warrant or order.

10 He shall inspect the prisoners' food daily and satisfy himself that the quality and cooking is good and that the quantity is in accordance with the sanctioned scale

11. Misconduct on the part of a prisoner shall be reported at once by him to the Superintendent and in the absence of the latter he may handcuff a refractory prisoner

III — RULES FOR THE WARDERS OF THE SADRA JAIL.

1 Every Warden shall be provided with uniform he shall at all times, whilst on duty, be properly and cleanly dressed in his uniform and shall wear his belt and carry a baton

2 Wardens shall be responsible for all tools and property kept in the store room

3 It shall be the duty of all Wardens —

- (1) Not merely to prevent escape but also to aid their superior officers in seeing that prisoners conform to the rules of the prison.
- (2) To stand or walk whilst on patrol duty and on no consideration to take off the belt or to lie down whilst on duty
- (3) To treat prisoners with humanity and bring their complaints and grievances to the notice of their immediate superior with as little delay as possible
- (4) To bring to notice any signs of sickness amongst the prisoners

- (5) To report to the Jailor if any uncomplaining prisoner appears to be passing into a failing state of health or if a prisoner's state of mind appears to be weak and uncertain
- (6) To see that each prisoner, on leaving or returning to his barrack or cell, has his clothing and feeding vessels
- (7) To count then prisoners at least twice during their turn of duty and to satisfy themselves that they have the correct number in their custody
- (8) To keep a list of tools delivered to prisoners on proceeding to work in the morning, and on their leaving off work in the evening to count, examine, and return the tools into store reporting any deficiency immediately to the Jailor
- (9) To search prisoners at the time they are made over to them, likewise before they are given over in charge to some other person, and at such other times during their watch as may be necessary, and to report the discovery of any forbidden articles upon any of the prisoners in their charge or on their beat
- (10) To report all cases of idleness and short work amongst convicts sentenced to labour
- (11) To prevent all unnecessary talking, laughing, singing, playing or quarrelling and other unseemly behaviour
- (12) To prevent the use of or possession by prisoners of tobacco or any articles not permitted by rule and to see that they drink no water except that set apart for their use
- (13) To see that prisoners march two by two when moving from one place to another, and that they do not leave their places or loiter about the prison or place at which they may be working
- (14) To see that no prisoner leaves the enclosure in which he is confined without authority, nor communicates with any prisoner with whom he has no proper concern
- (15) To see that no dirt or litter is allowed to lie about the prison and that the wards, cells and drains are kept clean, and to report sweepers who neglect their work
- (16) To report prisoners urinating or defecating in the drains or in any place other than the places provided for the purpose, and to bring to the notice of the Jailor any prisoner who goes to the latrine at unauthorised times
- (17) To see to the cleanliness of the persons, clothes, bedding, rings, fetters, plates and cups of the prisoners To see that the prisoners bathe only at the appointed time and that the bedding is aired according to orders
- (18) To report any plots against the prison authorities for the purpose of escaping, assault, or outbreak, or for obtaining forbidden articles To report every breach of prison rules
- (19) To report any defect in locks, bolts, or bars, and any tampering with these articles or keys

- (20) To keep all keys entrusted to them on their person and not to leave them lying about
- (21) To report any case of wilful injury to prison clothing or property
- (22) To prepare prisoners for muster and parade and to see that each prisoner comes to his place in proper order, behaves well, and keeps silent
- (23) To see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food, and that no prisoner gives his food to another
- (24) To report immediately to the Jailor the fact of any prisoner being missing
- (25) To keep their uniforms in good order

4 They shall see that no ladders, planks, ropes, chains, implements or materials of any kind likely to facilitate escape are left unnecessarily exposed or without surveillance at any time in the yards. All such articles as well as tools of all kinds when not in use must be kept in their appointed places. Warders shall also satisfy themselves that whenever prisoners are put in their cells or locked in, no such articles are kept concealed by them.

5 Each Warden shall, on being relieved, explain his duties to the relieving Warden, and both the relieved and relieving Wardens shall count the prisoners and examine all fastenings in their charge. The responsibility of a warden on duty shall not cease until he is properly relieved.

6 Wardens have power to handcuff, and confine if necessary, refractory prisoners but must bring the matter to the notice of their superior officers without loss of time.

7 After the closing of the jail in the evening and before its opening next morning the responsibility for guarding the jail from inside and outside will be on the police guard on duty.

8 Wardens are liable to prosecution and imprisonment if they —

- (1) wilfully or negligently permit a prisoner to escape,
- (2) give or attempt to give a prisoner or take out of the prison, or attempt to take out, any article not permitted by the rules,
- (3) bring or attempt to bring any forbidden article into the prison,
- (4) permit or abet any communication, or attempt at communication, with any prisoner by any unauthorised person,
- (5) wilfully disobey or neglect any lawful rule, regulation, or order,
- (6) are guilty of cowardice;
- (7) absent themselves from duty without permission.

9 Offences under rule 8 (1) will be punishable under section 223 of the Indian Penal Code. Offences under the remaining items of rule 8 will be punishable with rigorous imprisonment for three months or fine up to Rs. 50 or with both.

VI—Special Laws.

Application of provision of General Acts

REWA KANTHA AGENCY

INDIAN PENAL CODE

No 3801, dated the 13th June 1904—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department, No. 2859-I A, dated the 29th June, 1903 and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of all previous orders on the same subject so far as they may be inconsistent with anything herein contained, to apply to the whole of the territories included in the Political Agency of Rewa Kantha as entered in the schedule annexed to the notification of the Government of India (other than those in which the Governor General in Council does not for the time being exercise legislative jurisdiction), the enactment specified in the schedule hereto annexed, in so far as the same may be applicable

Provided, *first*, that references in the said enactment as so applied to British India shall be read as referring to the said territories

Provided, *secondly*, that the further modification set forth in the schedule shall be made in the said enactment as so applied

Provided, *thirdly*, that for the purpose of facilitating the application of the said enactment any Court in the said territories may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court

The Schedule

Enactment applied	Further modification
The Indian Penal Code (Act XLV of 1860)	To the <i>Explanation</i> to section 361, the following words shall be added, namely — “and where no person is so entrusted with the care or custody of such minor or other person, the latter shall be deemed to be taken out of keeping of his lawful guardian without the consent of such guardian [if he is removed beyond the territorial limits of any State or Taluka without the consent of the political or chief executive authority exercising jurisdiction in such State or Taluka]”

[*Bombay Government Gazette*, 1904 Pt I p 75]

¹ Printed *supra*, p 68.

² Substituted by Notification No 7595, dated the 24th November 1905 *Bombay Government Gazette*, 1905, Pt I, p 1611

DECCAN AGRICULTURISTS RELIEF ACT, 1879 (in part)

No 1548, dated the 1st March, 1909—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification of the Government of India in the Foreign Department, 'No 2859-I A', dated the 19th June 1903, the Governor in Council is pleased to apply sections 1, 7, 11 to 21, 23, 56, 60, 62 and 71-A and Chapters V VI, VII of the Deccan Agriculturists Relief Act to the Pandu and Sankheda Mewas Thana Circles of the Rewa Kantha Agency

[*Bombay Government Gazette*, 1909, Pt I, p 402]

REVENUE RECOVERY ACT, 1890

No 1415-I, dated the 30th April 1890—Printed in Appendix XVI

EPIDEMIC DISEASES ACT, 1897

No 443-I A, dated the 4th February, 1897—Printed in Appendix XVIII

CODES OF CRIMINAL AND CIVIL PROCEDURE (and Civil Procedure Rules)

No 2098, dated the 4th April, 1919—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the notification¹ of the Government of India in the Foreign Department, No. 2859-I A, dated 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to direct that the Courts of the Rewa Kantha Agency shall be guided generally in their procedure by the following provisions, *mutatis mutandis* in so far as they are applicable —

- (a) the provisions of the Code of Criminal Procedure and of the Code of Civil Procedure for the time being in force in British India, and
- (b) the provisions of all rules from time to time made by the High Court of Bombay under Part X of the Code of Civil Procedure, 1908 or any corresponding enactment for the time being in force

[*Bombay Government Gazette*, 1919, Pt I, p 853]

APPLICATION OF SECTION 8 (4) OF THE INDIAN EXTRADITION ACT, 1903.

No 4726, dated the 13th August, 1928.—Printed *supra*, page 96

¹ Printed *supra*, p 68.

EXPLOSIVE SUBSTANCES ACT, 1908

No 5702, dated the 25th August, 1908 —Printed *supra*, page 97

INDIAN LUNACY ACT, 1912

No 528-A, dated the 26th January, 1923 —Printed *supra*, page 97

Application of provisions of Bombay Acts

BOMBAY ABKARI ACT, 1878

No 6282, dated the 17th August, 1891 —Not reprinted
[*Resolution of the Bombay Government*]

Bombay District Police Act, 1890

No 25, dated the 17th April, 1896 —It is hereby notified to the public that Act IV of 1890 is, with the sanction of the Bombay Government, made applicable as far as possible to the Sankheda and Pandu Mewas under the Rewa Kantha Agency

[*Agency notification*]

Local Regulations

Publication of newspapers and other printed works

No 2651-I, dated the 25th June, 1891—Printed in Appendix XVII

Opium Regulations, 1895

No 7207, dated the 18th September, 1895 —

¹OPIMUM REGULATIONS

1 Opium includes also green poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy

2 The cultivation of the poppy or the manufacture of opium within the territory of the State is prohibited

3 The import of opium from any place outside the State limits is prohibited except under a pass signed by the Political Agent²

4 The export of any opium to any place outside the State limits is prohibited, except under a pass signed by the Political Agent

5 The transport from one place to another within the State limits of any quantity of opium exceeding in weight such maximum quantity as the Darbar has undertaken to prescribe is prohibited, except under cover of a permit granted by a duly authorised officer

¹ These Regulations have been adopted by the Chiefs in the jurisdictional States

² The maximum quantity of licit opium which persons entering the limits of the States, Talukas and Thana Circles can carry with them for personal use is 3 tolas (Government letter No 2522, dated the 30th March, 1906)

6 Except as provided in clauses 7 and 8 (i) no person shall have in his possession any opium other than opium purchased from the Darbar or from a farmer or licensed vendor, (ii) no person, not being a farmer or licensed vendor, shall have in his possession more than such maximum quantity of opium as the Darbar has undertaken to prescribe

7 Clause 6 does not apply to—

- (i) opium in transit covered by a permit under clause 5,
- (ii) opium imported according to rule during transit to its destination

8 There may be granted (a) to any medical practitioner a license for the possession of opium for medical purposes only, (b) to any person a special permit authorising him for a specified period to have in his possession, for private consumption only, a specified quantity of opium in excess of such maximum quantity as the Darbar has undertaken to prescribe

9 No person shall sell opium without a license to this effect, provided that any medical practitioner to whom a license has been granted under clause 8 may sell opium in quantities not exceeding in any one transaction such maximum quantity as the Darbar has undertaken to prescribe as medicine or in medical preparations

10 No person shall sell opium exceeding such maximum quantity as the Darbar has undertaken to prescribe to any person not legally authorised to possess the same

11 No licensed vendor shall sell more than such maximum quantity as the Darbar has undertaken to prescribe of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy or more than 5 seers of poppy heads except to a licensed vendor or a farmer or to a medical practitioner or other person holding a special permit granted by the Darbar under clause 8

12 Licenses for the sale of opium shall be granted by the Darbar only, such license shall contain such conditions as the Darbar may think fit to impose. Such conditions may from time to time be varied so as to assimilate them to those in force in British territory

13 Licenses for sale shall be granted for one year only, or the right to sell opium may be farmed for a period not exceeding five years

14 Any person who, in contravention of these regulations,

- (a) cultivates the poppy, (b) manufactures opium, (c) possesses opium, (d) transports opium, (e) imports or exports opium, (f) or sells opium, (g) and any person who otherwise contravenes such regulations,

shall on conviction before any officer duly authorised by the Darbar, be punished for each such offence with imprisonment, either simple or rigorous, for a term which may extend to one year, or with fine which

may extend to one thousand rupees or with both, and where a fine is imposed the convicting officer shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months and such imprisonment shall be either simple or rigorous and in excess of any other imprisonment to which he may have been sentenced

15 In prosecutions under the preceding clause it shall be presumed, until the contrary is proved, that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under these regulations

16 In any case in which an offence under clause 14 has been committed —

- (a) the poppy so cultivated,
- (b) the opium in respect of which any offence under the same clause has been committed,
- (c) where, in the case of an offence under head (d) or (e) of the same clause, the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting exporting or importing,
- (d) where in the case of an offence under clause (f) of the same clause, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium

shall be liable to confiscation

The vessels, packages and coverings in which any opium liable to confiscation under this clause is found and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals or the conveyances used in carrying it shall likewise be liable to confiscation

17 When the offender is convicted or when the person charged with an offence in respect of any opium is acquitted but the officer trying the case decides that the opium is liable to confiscation, such confiscation may be ordered by him

When an offence against these regulations has been committed but the offender is not known or cannot be found or when opium not in the possession of any person cannot be satisfactorily accounted for any authorised officer may after due inquiry, order the confiscation of such opium

18 Opium confiscated under the regulations shall be disposed of in one of the following ways, viz —

- (1) It may be retained by the Darbar as part of the opium required for consumption within the State the duty levied

able in respect of which the British Government has agreed to relinquish and shall then be issued to licensed vendors for sale within the State, the price to be charged by the Darbar to the licensed vendors and the price to be charged by the vendors to the customers being the same as those mentioned respectively in clauses 4 and 5 of the agreement with the British Government, or

- (2) It may be forwarded to the Political Agent or Dépôt with a list of rewards that may be ordered to be awarded under clause 19 and the Political Agent after deducting from the sale proceeds thereof the amount of pass fee due on the quantity of opium and paying off the rewards to the persons concerned will make over the balance (if any) to the Darbar. All other articles so confiscated shall be disposed of as the Darbar may order.

19 Any authorized officer convicting an offender under clause 14, or ordering the confiscation of opium under clause 16 of these regulations, may grant in such proportions as he thinks fit, to informers and any other persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case *plus* the amount of any fine imposed. In all cases, except when otherwise expressly ordered by the Darbar concerned at least one-half the value of the opium and other articles confiscated *plus* the fine realised shall be distributed as rewards among the informers and captors concerned.

20 Any authorized officer may—

- (a) at any time enter upon and search, any premises on which he has reason to believe opium liable to confiscation under these regulations is manufactured, kept or concealed, and to seize any such opium and all materials used in the manufacture thereof,
- (b) detain, search and arrest any person whom he has reason to believe to be guilty of any offence relating to such opium,
- (c) seize in any open place, or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under clause 16 of these regulations.

21. Any State officer who without reasonable ground of suspicion enters or causes to be entered or searched any building, vessel or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under these regulations,

or vexatiously and unnecessarily detains, searches or arrests any person shall for every such offence be punished with fine not exceeding Rs. 500.

22 Any authorized officer may issue his warrant for the arrest of any person whom he has reason to believe to have committed a breach of

these regulations, relating to opium, or for the search of any premises in which he has reason to believe opium liable to confiscation is kept or concealed

23 The subsequent procedure in regard to persons arrested and seizures made shall be in accordance with that generally in force for criminal purposes within the State

[*Resolution of the Bombay Government*]

Mahā Kantha and Rewa Kantha Agencies Encumbered Estates Rules, 1897

No 4264, dated the 8th July, 1897—Printed *supra*, page 102

Rewa Kantha Agency Registration Rules, 1902

No 1906, dated the 27th February, 1902—These rules should be called the Rewa Kantha Agency Registration Rules

They shall come into force after three months from the date of their promulgation and shall apply within the limits of all the Thanadarates in the Agency They shall also be applicable within the limits of all other talukas directly administered by the Talukdars in which the Political Agent or his Assistants exercise jurisdiction but with regard to those documents only the value of which is beyond the ordinary civil jurisdiction of such Talukdars

II There shall be two Registration districts in the province, one comprising the Thanadarates and States under the supervision of the Deputy Assistant Political Agent in charge Mewas and the other comprising the States of Kadana and Sanjeli as follows—

1 Sankheda Mewas	}	First District
2 Pandu Mewas (including Dodka)		
3 Jambughoda ¹		
4 Umetha ¹		
1 Kadana ¹	}	Second District
2 Sanjeli ¹		

Each Thana will form a sub-district

III In every district there shall be a Registrar and in every sub-district there shall be a Sub-Registrar The following is a list of the Registrars and Sub-Registrars with their powers—

Registrars

Deputy Assistant Political Agent in charge Mewas for First District	}	Have powers to register documents relating to moveable and immoveable property to any amount within their districts
Hazm Deputy Assistant Political Agent for second District		

¹ The States of Kadana Sanjeli Umetha and Jambughoda are no longer under Agency management

Sub-Registrars

Thanadai, Sankheda Mewas	} Have power to register documents relating to movable property only to the extent of their powers in civil suits.
Pandu Mewas	
Jambughoda	
Taptidai of Umetha	
Sanjeli	

IV The documents next hereinafter mentioned shall be registered --

- (1) Instruments of gift of immoveable property
- (2) Other instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of Rs 100 or upwards, to or in immoveable property
- (3) Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title or interest
- (4) Lease of immoveable property from year to year or for any time exceeding one year, or reserving a yearly rent

V Any of the documents next hereinafter mentioned may be registered.—

- (1) Instruments which purport to create, declare, assign, limit or extinguish, whether in present or in future any right, title or interest, whether vested or contingent, of a value less than Rs 100 to or in immoveable property
- (2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest
- (3) Leases of immoveable property for any term not exceeding one year
- (4) Awards relating to immoveable property
- (5) Instruments which purport to operate or create, declare, assign, limit or extinguish any right or title to or in moveable property
- (6) Acknowledgments, agreements, articles of partnership, assignments, awards, bills of exchange, bills of sale, bonds, composition deeds, contracts, grants, instruments of dissolution of partnership, instruments of partition, power of attorney, promissory notes, releases, settlements, writings of divorcement and all other documents not hereinbefore mentioned.

VI The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest them with their signature or initials. If he registers such documents, he shall, at the time of registering the same, make a note in the register of such blank or alteration.

VII No document relating to immoveable property shall be accepted for registration, unless it contains a description of such property sufficient to identify the same.

Houses in towns shall be described as situated on the north or other side of the street to which they front, other houses and lands shall be described by their name, if any, situation, area and the roads and other properties on which they abut.

If the description is sufficient to identify the property, the document may be registered.

VIII No document required by Rule IV to be registered and no document mentioned in Rule V shall be accepted for registration, unless presented for that purpose to the proper officer within four months from the date of execution.

Provided that where there are several persons executing a document at different times, such documents may be presented for re-registration within four months from the date of each execution.

IX If owing to urgent necessity or unavoidable accident, any document executed in Rewa Kantha is not presented for registration within the above period, the Registrar, in cases where the delay does not exceed four months, may direct that on payment of a fine not exceeding ten times the proper registration fee the document shall be registered.

X Every document mentioned in Rule IV and in clauses 1, 2, 3 and 4 of Rule V shall be presented for registration in the office of the Registrar within whose district the whole or some portion of the property is situated.

Documents not relating to immoveable property may be presented either before the Registrar, or where a Sub-Registrar shall be empowered before the Sub-Registrar.

XI Every document to be registered under these rules, whether such registration shall be compulsory or optional, shall be presented at the proper Registration Office by some person executing or claiming under the same or by his representative or assign.

XII No document shall be registered unless the persons executing such documents or their representatives or assigns or authorised agents appear before the Registering Officer within the time allowed for presentation.

XIII The Registering Officer shall thereupon inquire whether or not such document was executed by the person by whom it purports to

have been executed, satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and in the case of any person appearing as representative, assign or agent, satisfy himself of the right of such person so to appear.

XIV If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be and if they all or their representatives admit the execution of the document, the Registering Officer shall register the document

XV If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor or idiot, or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the Registering Officer shall refuse to register the document

XVI If any person presenting a document for registration desires the appearance of any person, whose presence or testimony is necessary for the registration of such document the Registering Officer may, in his discretion, on receipt of the process fee, summon him to appear and examine him under the provisions of the Code of Civil Procedure

XVII A registered document shall operate from the time from which it would have commenced to operate, if no registration thereof had been required or made, and not from the time of its registration

XVIII All documents, duly registered under these rules, and relating to any property whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession

XIX No document whose registration is compulsory shall affect any immoveable property comprised therein, or be received as evidence of any transaction affecting such property, unless it has been registered in accordance with these rules

2 But no document purporting to convey an interest in property which, according to the conditions of political tenure, or standing rules and circulars, either cannot be alienated, or can only be alienated, with the express sanction of the Agency, or of a Chief, or other reversioner, shall be accepted in evidence by an Agency Court, merely because it has been registered, unless it be also shown that the execution of the same received the express sanction of the Agency, Chief, or other reversioner.

XX Every Registrar shall keep—

- (1) Register of documents relating to immoveable property
- (2) Records of reasons for refusal to register
- (3) Miscellaneous register for documents not relating to immoveable property

XXI The day, hour and place of presentation, and the signature of every person presenting a document for registration shall be endorsed on every such document at the time of presenting it, a receipt shall be given to the person presenting the same and every document admitted to registration shall without unnecessary delay be copied in the proper book in proper order and indexed as may be prescribed

XXII On every document admitted to registration there shall be endorsed the following particulars —

- (1) The signature and address of every person admitting the execution of a document
- (2) That of every person examined in reference to it
- (3) Any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution

If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal

XXIII The Registering Officer shall affix the date and his signature to all endorsements made under the last preceding rule, relating to the same document and made in his presence on the same day

XXIV When the provisions of these rules have been complied with, the Registering Officer shall endorse thereon a certificate containing the word "registered", together with the number and page of the book in which the document has been copied. Such certificate shall be signed, sealed and dated by the Registering Officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by these rules, and that the facts mentioned in the endorsements referred to in Rule XXII have occurred as therein mentioned

The endorsements and certificate referred to in Rule XXII shall thereupon be copied into the margin of the Register book

The registration of the document shall thereupon be deemed complete, and the document shall be returned to the person who presented it

XXV Every Registering Officer refusing to register a document shall make an order of refusal and record his reasons in book (2) and endorse the words "registration refused" on the document and on application made by any person executing or claiming under the document shall give him a copy of his reasons so recorded

XXVI An appeal shall lie from Sub-Registrars to a Registrar

XXVII When the Registrar has himself made an order of refusal any person claiming under the document may within 30 days after

the making of the order of refusal, apply to the Political Agent's Court by petition in order to establish his right to have the document registered

XXVIII The petition shall be dealt with as a plaint under the Code of Civil Procedure. The Court shall fix a day for disposal and shall inquire—

- (1) whether the document has been executed, and
- (2) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration

XXIX If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within 30 days after the making of such order, the registration shall be made as hereinbefore provided

XXX The following table of fees shall apply to the registration of documents and other matters connected with these rules —

	Rs	A	P
Compulsory registration of documents affecting immovable property for every hundred words	1	0	0
Minimum fee	5	0	0
Optional registration of documents affecting immovable property for every hundred words	0	4	0
Minimum fee	1	4	0
Registration of documents affecting moveable property only for every hundred words	0	4	0
Minimum fee	1	0	0
Searching for entry by registering officers for every year of which the register or index is searched	1	0	0
Granting copy of a document (besides copying fee)	2	0	0

[*Resolution of the Bombay Government*]

Rewa Kantha Agency Arms Rules, 1903

No 524, dated the 24th March, 1903—The following rules relating to the control of arms and ammunition in the Thana Circles in this Agency have been approved and sanctioned by Government and are published for general information

Similar rules have been introduced in the States under the Agency

1 *Short Title*—These rules may be cited “the Rewa Kantha Agency Arms Rules” and apply to the Thana Circles under the Agency

2 *Import of arms and ammunition*—Arms or ammunition may be imported into the Thana Circles under the Agency only under a license and in the manner and to the extent permitted thereby and in strict conformity with the rules regulating export in the area from which the arms or ammunition are to be imported

3 *Export of arms and ammunition*—No arms or ammunition shall be exported from the Rewa Kantha Agency into British India or any

Native States adjoining, except under a license and in the manner and to the extent permitted thereby and in strict accordance with any law or rules in force there for the regulation of possession and import of arms and ammunition

4 *Transport of arms and ammunition*—The transport of arms or ammunition within the limits of the Rewa Kantha Agency will be subject to such rules or limitations as the Political Agent may find it necessary from time to time to prescribe

5 *License not necessary in certain cases*—Nothing in section 2 or section 4 shall be deemed to extend to arms or ammunition imported or transported in reasonable quantities for his own private use by any person lawfully entitled to possess the same

6 *Sale of arms and ammunition*—No person is allowed to sell arms or ammunition in the Rewa Kantha Agency except under a license (Form A) and in the manner and to the extent permitted thereby and no arms or ammunition shall be sold to any person not entitled to possess the same under this law or any rule made under it

Provided that nothing herein contained shall be deemed to require any person to take out a license for selling any arms or ammunition which he lawfully possesses for his own private use to any person entitled to possess the same under this law or any rule made under it

7 *Manufacture of arms and ammunition*—No person is allowed to manufacture arms or ammunition except under a license (in Form A) in the manner and to the extent permitted thereby

8 (a) Subjects of the Thana Circles may possess arms other than firearms and ammunition for private use, and go armed with the same as hitherto, but the Political Agent reserves complete power—

(i) to regulate the wearing or use of arms by special classes or at special times or in particular localities, and

(ii) to prohibit any particular person from possessing or going armed with particular kinds of weapons in the Agency or in any part of it

(b) Subjects of the Thana Circles except those specified in Schedule A are prohibited from possessing fire-arms or ammunition or going armed with same, except under a license and in the manner and to the extent permitted thereby

(c) Foreign subjects, except those specified in Schedule A, are prohibited from possessing arms or ammunition of any kind whatsoever or going armed except under a license and in the manner and to the extent permitted thereby

Provided that bridegrooms going to marry shall not be compelled to take out licenses for the arms usually carried by them on such occasions

(d) Licenses under this section shall be of two kinds, viz —

- (1) permanent, coloured green, which may be granted by the Political Agent (Form B), and
- (2) temporary, coloured red, which may be granted by the 1st class Magistrate, and shall not extend to a period exceeding one year (Form C)

9 *Licenses to foreign subjects*—Only temporary licenses may be granted to foreigners and only with the previous sanction of the Political Agent

10 *Inspection of licenses*—Licensees to possess arms or ammunition or to go armed shall, on demand, show their licenses and the arms and ammunition covered by the licenses to any Magistrate or Police Officer not below the rank of Foujdar

11 *Registers of licenses*—The 1st class Magistrate shall keep registers showing—

- (i) Licenses granted by him, and
- (ii) Applications for licenses which he has refused

12 *Journey licenses*—Applications for licenses to go armed on a journey through British India must be submitted to the Political Agent, Rewa Kantha, through the Thanadars

13 *Powers to make rules*—Consistently with the provisions of this law the Political Agent may make rules and afterwards may, from time to time, repeal alter or amend the same, as occasion may require, regulating the grant of licenses, the form in which and the terms and conditions subject to which licenses may be granted; the fees to be charged therefor the mode in which such fees are to be recovered, the officers by whom particular licenses may be granted, and all other matters connected with the purposes of this law

14 *Grant of license discretionary*—It will be entirely in the discretion of the Political Agent to grant, refuse or revoke any license under this law

15 *Cancellation or suspension of licenses*—A license granted under this law may, for sufficient reasons to be recorded in writing, be cancelled or suspended by the officer by whom the same was granted or by any authority to whom such officer may be subordinate

16 *Obligations on licensees*—All licensees under section 6 or 7 of this law will be bound to conform strictly to the provisions of their licenses and this law to obey all orders issued under this law, to store arms, ammunition or gunpowder as directed, to keep correct accounts of all receipts and issues with full particulars of purchases and to keep their premises open for inspection and search at any time by any officer generally or specially authorized by the Political Agent in that behalf

17 *Obligations of purchasers*—All purchasers are hereby declared to be legally bound to give full information to manufacturers or vendors of arms ammunition or gunpowder when called upon to do so

18 *Return of fire-arms*—A brief but complete annual return of all fire-arms in the Agency shall be prepared annually by the Superintendent of Police as soon after 30th June as may be and submitted to the Political Agent All persons are hereby declared to be legally bound to furnish correct information as to fire-arms in their possession when called upon to do so by a Police officer not inferior in rank to an officer in charge of a Police Station or by a Magistrate

19 Whoever is guilty of any act or omission in contravention of this law, or fails or refuses to give any information which he is bound to give by this law, or gives any information which he is bound by this law to give as correct, which he knows or has reason to believe to be false, shall on conviction before a Magistrate be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both, but in the case of licensees the previous sanction of the Agency and in other cases that of the 1st class Magistrate will be necessary to any such prosecution Nothing contained in this section shall bar a prosecution under any other law for an act or omission which is an offence under that law but no one shall be punished twice for the same offence

20 *Power to confiscate*—In addition to any penalty inflicted under section 19 any arms or ammunition in respect of which an offence has been committed may be confiscated under the orders of the trying Magistrate

21 *Power to exempt*—The Political Agent may by a notification exempt any person by name or in virtue of his office or any class of persons, or exclude any description of arms or ammunition from the operation of any prohibition or direction contained in this law and may cancel or modify such notification

22 *Definition of terms*—The expressions “arms and ammunition” bear in this law the meaning which they are defined to have in the British Arms Act, but nothing contained in this law is to be construed as prohibiting the repair of arms or as relating to bows and arrows, or to the manufacturing of powder for fireworks

SCHEDULE A

List of persons or classes of persons exempted from the operation of the prohibitions contained in the rules of the Rewa Kantha Agency relating to arms and ammunition other than those referring to cannons, articles designed for torpedo service, war rockets and machinery for the manufacture of arms and ammunition

- 1 All persons who if in British India would be exempted from the operation of the Indian Arms Act

2. All jurisdictional and non-jurisdictional Talukdars of Rewa Kantha whose names are on separate tribute-payer's list
3. All travellers carrying arms or ammunition so far as their arms or ammunition may be covered by a permit in due form signed by a duly qualified British Officer, or any competent officer of a jurisdictional State
- 4 Any persons of approved loyalty and good position who are specially exempted by notification issued by the Agency from time to time.

FORM A

License to manufacture, convert, sell or keep Arms, Ammunition and Military Stores

Name etc., of license-holder and place of residence	Place of business, factory and shop	Description of arms		Description of Ammunition and Military Stores		Date on which license expires
		To be manufactured	To be kept and sold	To be manufactured	To be kept and sold	

This license is given subject to the provisions of the Rewa Kantha Agency Arms Regulations

The license-holder shall keep records and accounts of all arms made or converted of all ammunition manufactured, of all stock in hand, and of all sales in such form as the Political Agent may from time to time direct

The license-holder shall exhibit his stock and his books of manufacture and sale to any Magistrate or to any Police Officer not below the rank of Foujdar when such officer may call upon him to do so

The license-holder shall affix to his shop or place of business a sign board intimating his name and the nature of his license

The license-holder shall at the time of the purchase endorse upon the license of every purchaser holding a license under Forms B and C the following particulars —

- (1) The name and address of the person who takes delivery of the articles sold,
- (2) The nature or amount of the article sold,
- (3) The date of the sale,

and shall append his signature to the endorsement

He shall maintain at his shop a similar record of every sale of arms or ammunition whether the purchaser is a license-holder or is exempt under the rules

(Signature of)

Officer granting the license

FORM B

License to possess and carry arms

(Permanent)

(Green)

No	Name	Age	Caste	Inhabitant of	Description of his person	Date	Particulars of arms				Remarks	
							Gunn	Country-made	English	Sword		Dagger	Knife	Lance	Pistol	Gauche

Date

(Signature)

FORM C.

(Temporary)

(Red)

License to possess and carry arms

No	Name of the person to whom the license is given	Age	Caste	Profession	Inhabitant of	Description of his person	Purpose for which license is given	From date to date	Particulars of arms	Remarks

Date

Signature

[Agency Notification]

Explosives Rules, 1903.

No 1555, dated the 18th August, 1903—Under instructions from Government, the following rules relating to the transport and importation of explosives in the Thana Circles under this Agency are published for general information

Similar rules have been adopted by the Jurisdictional States for their territories.

*Rules to regulate the transport and importation of Explosives in the Thana Circles of the Sankheda and Pandu Mewas (including the Peta Bhag of Dodka) and Jambughoda*¹

1 “Explosives” include the following—Gunpowder, ammunition, fireworks, blasting powder and any dangerous and chemically prepared substance which easily takes fire and which explodes

2 An explosive under transport shall be closed in a box, a cask, a *dabba* or a bag that the vessel may not break or accidentally break open in transit and the substance may not go out and prove dangerous For this purpose the vessel shall be a wooden or a metallic box or a box made of any other substance, a cask or a *dabba* in accordance as the necessity of the case may require.

¹ The State of Jambughoda is no longer under Agency management

3 Explosives of different kind shall be packed separately. Substances which by being packed together may take fire shall not be packed together.

4 Gunpowder, ammunition blasting powder and powder for fire works shall not exceed 100 lbs. in a single package and any other chemically prepared substance 50 lbs.

5 The package shall bear on it the word 'explosive,' the name of the substance, the name and address of the owner, and the consigner, or a label with the same statement shall be affixed on it.

6 When explosives are to be conveyed in a boat or a carriage, proper care should be taken lest they should take fire. A lamp, fire matches or any such substance shall not be kept near the explosives. Even smoking shall not be done, else the explosives may take fire. But if necessity for lamp arises, one in a strong lantern shall be made use of from a reasonable distance. In short every precaution against the explosives taking fire and for their protection shall be taken.

7 Explosives shall not be transported without being packed in the aforementioned manner and care and precaution must be taken against their taking fire. Whoever shall break the abovementioned rule of transport of explosives shall be liable to a fine which extend to Rs. 100.

8 Whoever wishes to import explosives in the limits of the Thana, Circles of the Sankheda and Pandu Mewas (including the Peta Bhag or Dodka and Jambughoda¹) shall obtain a license, under the Rules and Regulations. If imported without a proper license they shall be liable to be confiscated. Similarly an explosive shall not be sold without a license. A fee of Rs. 10 shall be charged for every license covering 200 lbs. and over. A fee of Rs. 5 shall be charged for every license covering 100 lbs. and under.

Provided that no license shall be required for the import of explosives up to 10 lbs. if the quantity so imported be solely for the private use of the importer and not for sale.

9 A license-holder shall keep a clear account and shall produce it when required by a Magistrate or a Police Officer or other Government servant.

10 Whoever shall import or sell explosives without a license or shall act in contravention of its conditions shall be liable to a fine which may extend to Rs. 100.

[Agency Notification]

Rules for refund of value, or exchange of Court-fee stamps or labels

No. 6359 dated the 17th September 1906—Printed *supra*, page 120

Form of sale proclamation to be used by Agency Civil Court.

No. 7280 dated the 25th October 1906—Printed *supra*, page 120

¹ The State of Jambughoda is no longer under Agency management.

Court and Process Fee Rules, 1911

No. 4009, dated the 15th June, 1911—The Governor in Council is pleased to ratify the¹ rules for calculating fees which have been in force in the Rewa Kantha Agency since the 1st November, 1899

¹ *Table for calculating Institution fee, Process fee, Japti Bhatta fee in civil cases (in force in States under management and the Mewases)*

Subject	Commission, Process fees, etc	Remarks
¹ Commission fee (for institution of civil suits and appeals)	Rs 6-4-0 per cent, i.e., one anna per rupee or a fraction thereof	
	Rs s p	
Process fee	From Re 1 to Rs 25 0 2 0	
	" 25 " 100 0 4 0	
	" 100 " 500 0 8 0	
	" 500 " 1,000 1 0 0	
	" 1,000 " 5,000 2 0 0	
	" 5,000 and upwards 4 0 0	
	Process fee should be charged at the above rate for every defendant and witness	
	In cases where the amount of claim cannot be valued process fee should be charged at Re 0-8-0 per each defendant or witness	
Fee on application for attachment	On application for attachment Re 0-1-0 per mile for defendant Twice the above rate should be charged when a warrant is issued against the defendant	By Order No 4742 of 1st October 1901 it is ordered to charge this fee on the value of claim as in the case of process fee instead of on mileage
Miscellaneous applications for raising attachment etc	In miscellaneous applications for raising attachment of property, attached in execution, Re 0-8-0 should be charged for stamp If parties or witnesses are called in the above cases, process fee should be charged as in original suits	

Application of the Kathiawar Agency Limitation Law, 1890

No 4158, dated the 20th June, 1911—In exercise of the powers and jurisdiction delegated by the Government of India under Foreign Department Notification² No 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf the Governor in Council is pleased to direct the introduction into the Rewa Kantha Agency, with effect from the 1st January, 1912, of the Kathiawar Agency Limitation Law³ * *

[*Bombay Government Gazette*, 1911, Pt I, p 1001]

¹ See now the Rewa Kantha Agency Civil Courts Rules, 1915 Printed *infra*, p 223

² Printed *supra*, p 68

³ Printed Vol II, p 325

Rules regarding Authorized Translators

No 5538 dated the 20th September, 1913 —In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department Notification¹ No 2859-I A dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to publish for general information the following rules for the qualification of persons to practise as Authorized Translators in the Rewa Kantha Agency —

1 Persons of the undermentioned classes will if they satisfy the Political Agent as to their general character and fitness and subject to the conditions hereinafter prescribed, be admitted as "Authorized Translators" and in token thereof will receive Sanads on payment of a fee of Rs 5 per annum —

(1) Graduates of any University

(2) Persons who have obtained, or who may hereafter have obtained, permission from the Political Agent to practise as Authorized Translators

2 Sanads granted to Authorized Translators will remain permanently in force subject to continued good behaviour, the discharge of duty with zeal and integrity under the rules, and the payment of the annual fee prescribed by rule 1

3 No translation of a vernacular document tendered or required will be accepted by any Agency Officer in any suit or proceeding unless it has been made and certified by an Authorized Translator ²[Provided that in appeals or applications in judicial matters addressed to the Governor in Council or to the Governor General in Council translations of such documents will be accepted if made and certified by any person holding a sanad from the Governor in Council as a special Translator, or if made and certified by an Authorized Translator] The rate of fee fixed for the remuneration of Authorized Translators is one rupee per folio of 144 words, and this fee includes the charge for transcription and authentication

[*Bombay Government Gazette* 1913, Pt I p 1540]

Rewa Kantha Agency Civil Courts Rules, 1915

No 3317-A dated the 1st July, 1915 —In exercise of the powers and jurisdiction delegated by the Government of India, Foreign Department Notification¹ No 2859-I A dated the 19th June, 1903 and of all other powers enabling him in this behalf the Governor in Council is pleased, in supersession of all previous rules on the subject, to prescribe,

¹ Printed *supra* p 68

² Inserted by Notification No 1398 dated the 25th February, 1916 *Bombay Government Gazette* 1916, Pt I p 350

with effect from 1st August 1915, [the following revised Rules for defining the civil jurisdiction (original, appellate, and revisional) to be exercised by the Courts of the Political Agency in Rewa Kantha and by the Governor in Council in civil proceedings originating in that Agency, for regulating the right of appeal and the payment of Court-fees by parties]¹ and for ensuring punctuality in the discharge of judicial business. Nothing herein contained shall be deemed applicable to political suits save as may be expressly so ordered by the Governor in Council —

1 The Civil Courts of the Rewa Kantha Agency shall be classed as—

(a) Subordinate Courts

(b) Courts of the Assistants to the Political Agent

(c) Political Agent's Court

2 The subordinate Courts are specified in Appendix A. Their jurisdiction shall be limited to civil suits of all descriptions of the values specified therein.

3 The Courts of the Assistant to the Political Agent are specified in Appendix B. Their original jurisdiction shall at present be limited to civil suits of all description of the values specified therein or such values as the Political Agent shall hereafter with the sanction of Government from time to time direct. They shall also possess an appellate jurisdiction in suits tried by the Subordinate Courts up to the limits specified in the said appendix. The charges of the Courts may be altered under the orders of the Political Agent.

4 If the Assistants to the Political Agent consider that a suit which has been filed as a political suit should be heard as a civil suit or the Assistant Political Agent, Deputy Assistant Political Agent, or a Thandai considers that a suit which has been filed as a civil suit should be heard as a political suit, they should refer the case to the Political Agent for orders. Any party to a suit may apply to the Political Agent for an order that a political suit may be heard as a civil suit or *vice versa*.

5 Any proceedings pending in any Civil Court of the Agency in respect of any debt or liability of a Chief or Talukdar whose Estate is attached by the Political Agent on account of its being encumbered shall on the publication of the order of attachment be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended, and so long as such attachment continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any such Court in respect of such debts and liabilities.

²[6 (a) As no holder, sharer or sub-sharer of any estate assessed for Government or Gaekwar tribute, and no Talukdar or his sharer or sub-

¹ Substituted by Notification No 6201-C, dated the 24th August, 1916. *Bombay Government Gazette*, 1916, Pt I, p 279.

² Substituted by Notification No 1628, 2-B, dated the 9th February, 1926. *Bombay Government Gazette*, 1926, Pt I, p 357.

sharee, is liable for any debt or liability incurred by his predecessor unless he has admitted the claim in writing or unless such debt or liability has received the written sanction of the Political Agent, no Agency Court shall entertain any suit against such holder, Talukdar, sharee or sub-sharee in respect of any such debt or liability not admitted or sanctioned as aforesaid.

(b) No Agency Court shall without the sanction of the Political Agent, entertain any suit against any holder, sharee, or sub-sharer of an estate assessed for Government or Gaekwan tribute or against any Talukdar or his sharee or sub-sharer

(c) No Agency Court shall, without the sanction of the Political Agent, give any effect whatever to any decree in respect of a pecuniary claim or debt or mortgage passed against any holder, sharer or sub-sharer of an estate assessed for Government or Gaekwan tribute or against any Talukdar or his sharee or sub-sharer after the death of such holder, Talukdar, sharee or sub-sharer, unless the said claim, debt or mortgage has been admitted in writing by the successor against whom the decree is sought to be enforced, or has received the written sanction of the Political Agent]

7 An appeal whether on a matter of law or fact shall lie from the decree of any of the Subordinate Courts mentioned in Appendix A to such of the Courts of the Assistants to the Political Agent as the Political Agent may from time to time direct

8 If the suit be of a nature cognizable in Courts of Small Causes and of a value not exceeding Rs 500, the decision in appeal of the Court of the Assistant to the Political Agent shall be final

9 In all suits relating to moveable property but not falling under Rule 8 and of a value not exceeding Rs 1,000 if the Court of the Assistant to the Political Agent confirms the decree of the Subordinate Courts its decision shall be final

10 In all suits in which the Court of the Assistant to the Political Agent reverses or modifies the decree of the Subordinate Court and in all suits relating to moveable property of a value exceeding Rs 1,000 and in all suits relating to immoveable property or to any interests therein a second appeal on a matter of law shall lie to the Court of the Political Agent

11. An appeal whether on a matter of law or fact shall lie from the original decree of a Court of an Assistant to the Political Agent to the Court of the Political Agent

12 If the suit be of the nature cognizable in Courts of Small Causes and of a value not exceeding Rs 1 000 the decision in appeal of the Court of the Political Agent shall be final

13 In all suits relating to moveable property but not falling under rule 12 and of a value not exceeding Rs 3,000 if the Court of the Poli

tical Agent confirms the decree of the Court of the Assistant to the Political Agent its decision shall be final

14. In all such suits in which the Court of the Political Agent reverses or modifies the decree of the Court of the Assistant to the Political Agent, and in all suits relating to moveable property of a value exceeding Rs. 3,000 and in all suits relating to immoveable property or any interest therein a second appeal on a matter of law shall lie to the Governor in Council

15 All appeals preferred under Rule 14 to the Governor in Council shall be presented to the Political Agent in triplicate and shall be accompanied by authenticated copies of the judgments and decrees of the lower Courts and by certified translations of any documents on which the suit has been brought or which may be relied on by the appellant, within 90 days from the date of the decree in respect of which the appeal is preferred exclusive of the time taken up in obtaining copies in accordance with the rules laid down in Government Resolution No 7233, dated the 1st October, 1900 In forwarding such appeals the Political Agent shall certify whether they are barred by limitation or not

16 The Political Agent shall not call upon the respondent to submit a rejoinder to the appeal until it has been asked for by Government If Government call for a rejoinder the Political Agent shall cause one copy of the special appeal to be served on the respondent with a notice requiring him to submit in duplicate to the Political Agent any reply he may wish to make within 30 days from the service of such notice, provided that such time may be extended to 90 days at the discretion of the Political Agent

17. The Political Agent is empowered to call for proceedings in non-appealable cases of the Courts of his Assistants and the Subordinate Courts for revision and inspection, and to prescribe forms of returns of civil work for each class of Court and when such returns are to be rendered

18 Returns of the Assistants shall be examined by the Political Agent and those of Subordinate Courts by the Assistants to the Political Agent who shall submit them with their remarks to the Political Agent for disposal

19 In suits in the Courts of first instance and in the Appellate Courts of the Agency fees will be levied as per annexed schedule (Appendix C)

¹[20 *In appeals to the Governor in Council—*

No appeal to the Governor in Council will be received without payment of the fees prescribed below, unless the applicant shall have been

¹ Substituted by Notification No 683-D, dated the 3rd November, 1923 *Bombay Government Gazette*, 1923, Pt I, p 2550

authorised by the Political Agent to appeal *in forma pauperis* Where the value of the property claimed, as computed in the original Court—

does not exceed Rs 200, a fee should be paid of Rs 16

exceeds Rs 200 but not Rs 250 a fee of Rs 20

exceeds Rs 250 but not Rs 300 a fee of Rs 24

exceeds Rs 300 but not Rs 350 a fee of Rs 28

and so on, being at the rate of a fee of Rs 4 for every Rs 50 of value claimed, and up to the amount of Rs 10,000 But in suits for recovery of a value greater than Rs 10,000, the fee shall be calculated at the rate of 8 per cent on each additional Rs 100 or fraction of Rs 100 above that limit]

¹[21 No application to the Governor in Council for the exercise of extraordinary jurisdiction in civil proceedings will be received without payment of a fee of Rs [4] ²]

³[22 No application to the Governor in Council for a review of any judgment passed by the Governor in Council in a civil case will be received, unless the application be presented to the Political Agent, Rewa Kantha, within 90 days from the date on which the decision of the Governor in Council may have been communicated to the applicant or unless the applicant shows good cause for not having presented the application within such period The same fee should be paid on an application to the Governor in Council for a review as on a petition of appeal, but the applicant will be entitled to a refund of the fee after deducting Rs ²[4] if the application be admitted, and if the Governor in Council reverses or modifies his former decision on the ground of mistake in law or fact, except when such reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing]

APPENDIX A

List of Subordinate Courts of the Rewa Kantha Agency referred to in Rule 2

No	Name of Court	Limit of Jurisdiction
1	Thandar of Wadia	3,000
2	Thandar of Pandu	1,000
3	Thandar of Jambughoda	1,000

¹ Added by Notification No 6201-C, dated the 24th August, 1916 *Bombay Government Gazette*, 1916, Pt I, p 279

² Substituted by Notification No 633-D, dated the 3rd November, 1923 *Bombay Government Gazette*, 1923, Pt I, p 2550

³ Added by Notification No 10445-D, dated the 20th December, 1920 *Bombay Government Gazette*, 1921, Pt I, p 42

APPENDIX B

List of Courts of the Assistants to the Political Agent referred to in Rule 3

No	Name of Court	Limit of original jurisdiction.	Limit of appellate jurisdiction
1	Assistant Political Agent in charge Jambughoda	} No limit	
2	Deputy Assistant Political Agent in charge Mewas		

NOTE —The jurisdiction of the Assistant Political Agent is limited to the area comprised in the Jambughoda State. That of the District Deputy Assistant Political Agent is limited to the Thana Circles of Sankhed and Pandu Mewas.

APPENDIX C

The fees on plaints, petitions of appeal, and applications presented to the Civil Courts of the Rewa Kantha Agency will be computed and levied in accordance with the following rules and regulations —

(I) The amount of fee payable in the suits next hereinafter mentioned shall be computed as follows —

- (i) In suits for money (including suits for damages or compensation, or arrears of maintenance or arrears of annuities or of other sums payable periodically) according to the amount claimed
- (ii) In suits for maintenance and annuities or other sums payable periodically according to the value of the subject matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year
- (iii) In suits for moveable property other than money, where the subject-matter has a market value according to such value at the date of presenting the plaint
- (iv) In suits—
 - (a) for moveable property where the subject-matter has no market value, as for instance, in the case of documents relating to title,
 - (b) to enforce the right to share in any property on the ground that it is joint family property;
 - (c) to obtain an injunction;
 - (d) for a right to some benefit (not herein otherwise provided for) to arise out of land, and
 - (e) for accounts,

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

(2) In suits for the possession of land, houses and gardens according to the value of the subject-matter and such value shall be deemed to be—

(a) where the subject-matter is land ten times the gross produce arising from the land during the year next before the date of presenting the plaint. The rate of one rupee per bigha or one half part of an acre may be considered to be the average annual gross produce, unless the Court considers that the rate is obviously insufficient,

(b) where the subject-matter is a house or garden according to market value of the house or garden

(vi) In suits for *iero* or *munnu mapu* or for the interest of an assignee of land revenue or haks arising out of the land, ten times the gross produce

(vii) In suits to set aside an attachment of land or of an interest in land or revenue, according to the amount for which the land or interest, was attached, provided that where such amount exceeds the value of the land or interest the amount of fee shall be computed as if the suit were for the possession of such land or interest

(viii) In suits against a mortgagee for the recovery of the land mortgaged and in suits by a mortgagee to foreclose the mortgage according to the principal money expressed to be secured by the instrument of mortgage

(2) If the Court sees reason to think that the annual gross produce or the market value of any land, house or garden has been wrongly estimated, the Court may, for the purpose of computing the fee payable, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court

(3) If, in the result of any such investigation, the Court finds that the gross produce or market value has been wrongfully estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee

But if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the estimation been right

In such case the suit shall be stayed until the additional fee is paid. If it is not paid within such time as the Court shall fix, the suit shall be dismissed

(4) In suits for mesne profits, or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are in excess of the profits claimed or the amount at which the plaintiff valued the

relief sought, the decree shall not be executed until the difference between the fee actually paid, and the proper fee (payable if the suit had comprised the whole of the profit or amount so decreed) shall have been paid to the Court

(5) Where the amount of mesne profits is left to be ascertained in the course of the execution of decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable (had the suit comprised the whole of the profits so ascertained) is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed

(6) Every question relating to valuation, for the purpose of determining the amount of any fee chargeable under these rules on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum as the case may be, is filed and such decision shall be final as between the parties to the suit

But whenever any such suit comes before a Court of Appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the loss of the Mewas Administration Fund, it may require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided and the provisions of Rule (3) shall apply

(7) If an appeal or plaint which has been rejected by the lower Court is ordered to be received, or if a suit is remanded in appeal for a second decision by the lower Court, which had thrown it out on a preliminary point, the Appellate Court shall grant to the appellant a certificate authorising him to receive back the full amount of fee paid on the memorandum of appeal

Provided that if in the case of a remand on appeal the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded

(8) Where an application for a review of judgment is admitted and where on the re-hearing the Courts reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back the fee paid on the application

But nothing in this section should entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing

(9) When any appeal is presented to a Civil Court, not against the whole of a decision but only against so much thereof as relates to a portion of the subject-matter of the suit, and on the hearing of such appeal

the respondent takes an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to

(10) Claims for inheritance, maintenance from or partition of Estates which have not hitherto supported the jurisdictional rights of a Ruling Chief may, unless the Political Agent thinks fit to withdraw them, be heard as civil suits

(11) No document of any of the kinds specified in the annexed schedule as chargeable with a fee shall be filed, exhibited or recorded in any of the Courts of the Rewa Kantha Agency or shall be received or furnished by any Political Officer, unless in respect of such document there be paid a fee of an amount not less than that indicated in the said schedule as the proper fee for such document

(12) All fees referred to in the annexed schedule shall be collected by Court-fee stamps current in the Rewa Kantha Agency

(13) No document requiring a stamp under the annexed schedule shall be filed or acted upon in any proceeding in any of the Rewa Kantha Agency Courts until the stamp has been cancelled. Such officer as the Court or the Head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed

SCHEDULE I

Ad Valorem Fees

No		Proper fee
1	Plaint, written statement, pleading, a set-off or counter-claim or memorandum of appeal (not otherwise provided for) or of cross objection presented to any Civil Court	<p>When the amount or value of the subject-matter in dispute does not exceed five rupees Six annas</p> <p>When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees up to one hundred rupees Six annas</p> <p>When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees Twelve annas</p> <p>When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, in excess of five hundred rupees, up to one thousand rupees One rupee and two annas</p>

¹ Schedules I, II and III were substituted by Notification No 633-D, dated the 3rd November 1923 *Bombay Government Gazette* 1923, Pt I p 2570

SCHEDULE I—*contd*

No.	— —	— —	Proper fee
		When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees	Seven rupees and eight annas
		When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees	Fifteen rupees
		When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Twenty two rupees and eight annas
		When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof in excess of twenty thousand rupees, up to thirty thousand rupees	Thirty rupees
		When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees	Thirty rupees
		When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees	Thirty rupees
		Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be six thousand rupees	
2	Plaint or memorandum of appeal in a suit by a person dispossessed of immovable property otherwise than by due course of law where the suit is brought within six months from the dispossession and is for recovery of possession only without reference to title		A fee of one half the amount prescribed in the foregoing scale
3	Application for review of judgment if presented on or after the 90th day from the date of decree		The fee leviable on the plaint or memorandum of appeal

SCHEDULE I—continued

No		Proper fee
4	Application for review of judgment if presented before the 90th day from the date of the decree	One half of the fee leviable on the plaint or memorandum of appeal
5	Copy or translation of judgment, order or decree or other paper in a suit (or from the records of the Agency Office)	<p>(a) If the amount or value of the subject-matter is fifty or less than fifty rupees One rupee</p> <p>(b) In all other cases Two rupees</p> <p><i>Note</i>—In addition, two annas per hundred words or fraction of hundred words of English and one anna per hundred words or fraction of hundred words of Gujarati, subject to a minimum of two annas, as comparing fee and rupees two as searching fee for each year of which the Daftar is searched if the number, date and other necessary particulars be not accurately specified in the application shall be levied</p>
C	Probate of a will or letters of administration with or without will annexed	<p>When the amount or value of the property in respect of which the grant of probate, or letters of administration is made exceeds one thousand rupees on the part of the amount or value in excess of one thousand rupees up to five thousand rupees Two per centum</p> <p>When the amount or value of the property in respect of which the grant of probate, or letters of administration is made exceeds five thousand rupees on the part of the amount or value in excess of five thousand rupees up to ten thousand rupees Two and a half per centum</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds ten thousand rupees on the part of the amount or value in excess of ten thousand rupees up to fifty thousand rupees Three per centum</p> <p>When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds fifty thousand rupees on the part of the amount or value in excess of fifty thousand rupees up to a lakh of rupees Three and a half per centum</p>

SCHEDULE I—*contd*

No.	—	—	Proper fee.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to one lakh and fifty thousand rupees	Four per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds one lakh and fifty thousand rupees, on the part of the amount or value in excess of one lakh and fifty thousand rupees, up to two lakhs of rupees	Four and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees	Five per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees	Five and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees	Six per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds four lakhs of rupees on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees	Six and a half per centum.
		When the amount or value of the property in respect of which the grant of probate or letters of administration is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees	Seven per centum.

SCHEDULE I—*contd*

No	—	—	Proper fee
		<p>Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant</p>	
<p>7. Certificate under the Succession Certificate Act, 1889</p>			<p>The fee leviable in the case of a probate (Article 6), on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and one and a half times the fee on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act</p>
			<p><i>Note</i>—(1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained</p>
			<p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred whether the power is for the receiving of interest or dividends on or for the negotiation or transfer of the security or for both purposes the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for so far as such value can be ascertained</p>
<p>8 Certificate of heirship</p>			<p>(1) As regards debts and securities the same fee as would be payable in respect of suc</p>

SCHEDULE I—*contd.*

No.	Proper fee
	cession certificate or in respect of any extension of such a certificate, as the case may be, and
	(2) As regards other property in respect of which the certificate is granted two per centum on so much of the amount or value of such property as exceeds one thousand rupees
	¹ [<i>Note (Remissions)</i> —Remission as hereinafter set forth in the fees leviable under clauses 6 7 and 8 of the Schedule shall be granted on the property of (i) any person subject to the Naval Discipline Act (29 and 30 Vict, c 109) the Army Act (44 and 45 Vict c 58) the Air Force Act (7 and 8 Geo 5, c 51) or the Indian Army Act 1911 (VIII of 1911), who is killed or dies from wounds inflicted accidents occurring or disease contracted while on active service or on service which is of a warlike nature or involves the same risk as active service and (ii) any person being a Government servant, civil or military, who dies from wounds inflicted while in actual performance of his official duties or in consequence of those duties
	a) Where the amount or value of property in respect of which the grant of probate or letters of administration is made or which is specified in the certificate under the Succession Certificate Act 1889, or in the certificate under the Bombay Regulation No 8 of 1827, does

¹ Added by Notification No 3638/I-B dated the 9th February 1926 *Bombay Government Gazette*, 1926, Pt I, p 395

¹SCHEDULE II

Table of rates of ad valorem fees leviable on the institution or suits

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs	Rs	Rs A	Rs	Rs	Rs A
	5	0 6	300	310	23 4
5	10	0 12	310	320	24 0
10	15	1 2	320	330	24 12
15	20	1 8	330	340	25 8
20	25	1 14	340	350	26 4
25	30	2 4	350	360	27 0
30	35	2 10	360	370	27 12
35	40	3 0	370	380	28 8
40	45	3 6	380	390	29 4
45	50	3 12	390	400	30 0
50	55	4 2	400	410	30 12
55	60	4 8	410	420	31 8
60	65	4 14	420	430	32 4
65	70	5 4	430	440	33 0
70	75	5 10	440	450	33 12
75	80	6 0	450	460	34 8
80	85	6 6	460	470	35 4
85	90	6 12	470	480	36 0
90	95	7 2	480	490	36 12
95	100	7 8	490	500	37 8
100	110	8 4	500	510	38 10
110	120	9 0	510	520	39 12
120	130	9 12	520	530	40 14
130	140	10 8	530	540	42 0
140	150	11 4	540	550	43 2
150	160	12 0	550	560	44 4
160	170	12 12	560	570	45 6
170	180	13 8	570	580	46 8
180	190	14 4	580	590	47 10
190	200	15 0	590	600	48 12
200	210	15 12	600	610	49 14
210	220	16 8	610	620	51 0
220	230	17 4	620	630	52 2
230	240	18 0	630	640	53 4
240	250	18 12	640	650	54 6
250	260	19 8	650	660	55 8
260	270	20 4	660	670	56 10
270	280	21 0	670	680	57 12
280	290	21 12	680	690	58 14
290	300	22 8	690	700	60 0

¹ See footnote on page 231, *supra*

SCHEDULE II—*contd*

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee.
Rs	Rs	Rs A	Rs	Rs	Rs A
700	710	61 2	3,900	4,000	318 12
710	720	62 4	4,000	4,100	326 4
720	730	63 6	4,100	4,200	333 12
730	740	64 8	4,200	4,300	341 4
740	750	65 10	4,300	4,400	348 12
750	760	66 12	4,400	4,500	356 4
760	770	67 14	4,500	4,600	363 12
770	780	69 0	4,600	4,700	371 4
780	790	70 2	4,700	4,800	378 12
790	800	71 4	4,800	4,900	386 4
800	810	72 6	4,900	5,000	393 12
810	820	73 8	5,000	5,250	408 12
820	830	74 10	5,250	5,500	423 12
830	840	75 12	5,500	5,750	438 12
840	850	76 14	5,750	6,000	453 12
850	860	78 0	6,000	6,250	468 12
860	870	79 2	6,250	6,500	483 12
870	880	80 4	6,500	6,750	498 12
880	890	81 6	6,750	7,000	513 12
890	900	82 8	7,000	7,250	528 12
900	910	83 10	7,250	7,500	543 12
910	920	84 12	7,500	7,750	558 12
920	930	85 14	7,750	8,000	573 12
930	940	87 0	8,000	8,250	588 12
940	950	88 2	8,250	8,500	603 12
950	960	89 4	8,500	8,750	618 12
960	970	90 6	8,750	9,000	633 12
970	980	91 8	9,000	9,250	648 12
980	990	92 10	9,250	9,500	663 12
990	1,000	93 12	9,500	9,750	678 12
1,000	1,100	101 4	9,750	10,000	693 12
1,100	1,200	108 12	10,000	10,500	716 4
1,200	1,300	116 4	10,500	11,000	738 12
1,300	1,400	123 12	11,000	11,500	761 4
1,400	1,500	131 4	11,500	12,000	783 12
1,500	1,600	138 12	12,000	12,500	806 4
1,600	1,700	146 4	12,500	13,000	828 12
1,700	1,800	153 12	13,000	13,500	851 4
1,800	1,900	161 4	13,500	14,000	873 12
1,900	2,000	168 12	14,000	14,500	896 4
2,000	2,100	176 4	14,500	15,000	918 12
2,100	2,200	183 12	15,000	15,500	941 4
2,200	2,300	191 4	15,500	16,000	963 12
2,300	2,400	198 12	16,000	16,500	986 4
2,400	2,500	206 4	16,500	17,000	1,008 12
2,500	2,600	213 12	17,000	17,500	1,031 4
2,600	2,700	221 4	17,500	18,000	1,053 12
2,700	2,800	228 12	18,000	18,500	1,076 4
2,800	2,900	236 4	18,500	19,000	1,098 12
2,900	3,000	243 12	19,000	19,500	1,121 4
3,000	3,100	251 4	19,500	20,000	1,143 12
3,100	3,200	258 12	20,000	21,000	1,173 12
3,200	3,300	266 4	21,000	22,000	1,203 12
3,300	3,400	273 12	22,000	23,000	1,233 12
3,400	3,500	281 4	23,000	24,000	1,263 12
3,500	3,600	288 12	24,000	25,000	1,293 12
3,600	3,700	296 4	25,000	26,000	1,323 12
3,700	3,800	303 12	26,000	27,000	1,353 12
3,800	3,900	311 4	27,000	28,000	1,383 12

SCHEDULE II—contd

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
Rs	Rs	Rs	Rs	Rs	Rs
28,000	29,000	1,413 12	2,55,000	2,60,000	3,183 12
29,000	30,000	1,443 12	2,60,000	2,65,000	3,213 12
30,000	32,000	1,473 12	2,65,000	3,00,000	3,243 12
32,000	34,000	1,503 12	3,00,000	3,05,000	3,273 12
34,000	36,000	1,533 12	3,05,000	3,10,000	3,303 12
36,000	38,000	1,563 12	3,10,000	3,15,000	3,333 12
38,000	40,000	1,593 12	3,15,000	3,20,000	3,363 12
40,000	42,000	1,623 12	3,20,000	3,25,000	3,393 12
42,000	44,000	1,653 12	3,25,000	3,30,000	3,423 12
44,000	46,000	1,683 12	3,30,000	3,35,000	3,453 12
46,000	48,000	1,713 12	3,35,000	3,40,000	3,483 12
48,000	50,000	1,743 12	3,40,000	3,45,000	3,513 12
50,000	55,000	1,773 12	3,45,000	3,50,000	3,543 12
55,000	60,000	1,803 12	3,50,000	3,55,000	3,573 12
60,000	65,000	1,833 12	3,55,000	3,60,000	3,603 12
65,000	70,000	1,863 12	3,60,000	3,65,000	3,633 12
70,000	75,000	1,893 12	3,65,000	3,70,000	3,663 12
75,000	80,000	1,923 12	3,70,000	3,75,000	3,693 12
80,000	85,000	1,953 12	3,75,000	3,80,000	3,723 12
85,000	90,000	1,983 12	3,80,000	3,85,000	3,753 12
90,000	95,000	2,013 12	3,85,000	3,90,000	3,783 12
95,000	1,00,000	2,043 12	3,90,000	3,95,000	3,813 12
1,00,000	1,05,000	2,073 12	3,95,000	4,00,000	3,843 12
1,05,000	1,10,000	2,103 12	4,00,000	4,05,000	3,873 12
1,10,000	1,15,000	2,133 12	4,05,000	4,10,000	3,903 12
1,15,000	1,20,000	2,163 12	4,10,000	4,15,000	3,933 12
1,20,000	1,25,000	2,193 12	4,15,000	4,20,000	3,963 12
1,25,000	1,30,000	2,223 12	4,20,000	4,25,000	3,993 12
1,30,000	1,35,000	2,253 12	4,25,000	4,30,000	4,023 12
1,35,000	1,40,000	2,283 12	4,30,000	4,35,000	4,053 12
1,40,000	1,45,000	2,313 12	4,35,000	4,40,000	4,083 12
1,45,000	1,50,000	2,343 12	4,40,000	4,45,000	4,113 12
1,50,000	1,55,000	2,373 12	4,45,000	4,50,000	4,143 12
1,55,000	1,60,000	2,403 12	4,50,000	4,55,000	4,173 12
1,60,000	1,65,000	2,433 12	4,55,000	4,60,000	4,203 12
1,65,000	1,70,000	2,463 12	4,60,000	4,65,000	4,233 12
1,70,000	1,75,000	2,493 12	4,65,000	4,70,000	4,263 12
1,75,000	1,80,000	2,523 12	4,70,000	4,75,000	4,293 12
1,80,000	1,85,000	2,553 12	4,75,000	4,80,000	4,323 12
1,85,000	1,90,000	2,583 12	4,80,000	4,85,000	4,353 12
1,90,000	1,95,000	2,613 12	4,85,000	4,90,000	4,383 12
1,95,000	2,00,000	2,643 12	4,90,000	4,95,000	4,413 12
2,00,000	2,05,000	2,673 12	4,95,000	5,00,000	4,443 12
2,05,000	2,10,000	2,703 12	5,00,000	5,05,000	4,473 12
2,10,000	2,15,000	2,733 12	5,05,000	5,10,000	4,503 12
2,15,000	2,20,000	2,763 12	5,10,000	5,15,000	4,533 12
2,20,000	2,25,000	2,793 12	5,15,000	5,20,000	4,563 12
2,25,000	2,30,000	2,823 12	5,20,000	5,25,000	4,593 12
2,30,000	2,35,000	2,853 12	5,25,000	5,30,000	4,623 12
2,35,000	2,40,000	2,883 12	5,30,000	5,35,000	4,653 12
2,40,000	2,45,000	2,913 12	5,35,000	5,40,000	4,683 12
2,45,000	2,50,000	2,943 12	5,40,000	5,45,000	4,713 12
2,50,000	2,55,000	2,973 12	5,45,000	5,50,000	4,743 12
2,55,000	2,60,000	3,003 12	5,50,000	5,55,000	4,773 12
2,60,000	2,65,000	3,033 12	5,55,000	5,60,000	4,803 12
2,65,000	2,70,000	3,063 12	5,60,000	5,65,000	4,833 12
2,70,000	2,75,000	3,093 12	5,65,000	5,70,000	4,863 12
2,75,000	2,80,000	3,123 12	5,70,000	5,75,000	4,893 12
2,80,000	2,85,000	3,153 12	5,75,000	5,80,000	4,923 12

SCHEDULE II—*concl'd*

When the amount or value of the subject matter exceeds.	But does not exceed	Proper fee	When the amount or value of the subject matter exceeds	But does not exceed	Proper fee.
Rs	Rs	Rs A	Rs	Rs	Rs A
5,80,000	5,85,000	4,953 12	6,70,000	6,75,000	5,493 12
5,85,000	5,90,000	4,983 12	6,75,000	6,80,000	5,523 12
5,90,000	5,95,000	5,013 12	6,80,000	6,85,000	5,553 12
5,95,000	6,00,000	5,043 12	6,85,000	6,90,000	5,583 12
6,00,000	6,05,000	5,073 12	6,90,000	6,95,000	5,613 12
6,05,000	6,10,000	5,103 12	6,95,000	7,00,000	5,643 12
6,10,000	6,15,000	5,133 12	7,00,000	7,05,000	5,673 12
6,15,000	6,20,000	5,163 12	7,05,000	7,10,000	5,703 12
6,20,000	6,25,000	5,193 12	7,10,000	7,15,000	5,733 12
6,25,000	6,30,000	5,223 12	7,15,000	7,20,000	5,763 12
6,30,000	6,35,000	5,253 12	7,20,000	7,25,000	5,793 12
6,35,000	6,40,000	5,283 12	7,25,000	7,30,000	5,823 12
6,40,000	6,45,000	5,313 12	7,30,000	7,35,000	5,853 12
6,45,000	6,50,000	5,343 12	7,35,000	7,40,000	5,883 12
6,50,000	6,55,000	5,373 12	7,40,000	7,45,000	5,913 12
6,55,000	6,60,000	5,403 12	7,45,000	7,50,000	5,943 12
6,60,000	6,65,000	5,433 12	7,50,000	7,55,000	5,973 12
6,65,000	6,70,000	5,463 12	7,55,000		6,000 0

¹SCHEDULE III*Fixed Fees*

No	Proper fee
1 Application or petition	(a) When presented to any Civil, Political or Criminal Court or to any Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order or any other document from the record of the Agency Two annas
	(b) When presented to a Subordinate Civil Court or to a Small Causes Court in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees Two annas
	² [(c) When presented to any Executive Officer of the Excise or Political Department relating exclusively to excise dealings] ² [Two annas]
	(d) When containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any Criminal Court Eight annas

¹ See footnote on page 231 *supra*² Inserted by Notification No 633-B, dated the 1st August, 1924 *Bombay Government Gazette*, 1924, Pt I, p 1759

SCHEDULE III—contd

No		Proper fee
	(e) When presented to a Civil, Political or Criminal Court or to an Executive Officer of or below the rank of Assistant Political Agent and not otherwise provided for	Eight annas
	(f) When presented to a Civil, Political or Criminal Court or an Executive Officer of the rank of an Assistant Political Agent and not otherwise provided for	One rupee
	(g) When presented to the Political Agent or the Court of the Political Agent and not otherwise provided for	Two rupees
	(h) When presented to the Political Agent or the Court of the Political Agent in the exercise of its powers as a High Court and not otherwise provided for	Four rupees
2	Application for leave to sue or appeal as a Pauper	One rupee
3	Bail-bond or other instrument of obligation in pursuance of an order made by a Court or Magistrate under the Civil or Criminal Procedure Code or by a Political Court, not otherwise provided for by the rules	One rupee
4	Mukhtarinama or Wakalatnama	When presented for the conduct of any one case— (a) to any Civil, Political or Criminal Court or any Executive Officer except such as are mentioned in clause (c) of this number One rupee (b) to the Court of the Political Agent in ordinary cases Two rupees (c) to the Political Agent or the Court of the Political Agent in the exercise of its powers as a High Court Three rupees
5	Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree and is presented	(a) to the Court of the Political Agent Three rupees (b) to any other Court Two rupees

No	Proper fee
6	Five rupees.
7	Fifteen rupees.
(1) to alter or set aside a summary decision or order of any Civil Court, (2) to obtain a declaratory decree where no consequential relief is prayed, (3) to set aside a decree or an award, (4) to set aside an adoption, (5) every other suit where it is not possible to estimate at a money value the subject-matter in dispute and which is not otherwise provided for	
8	Ten rupees
9	Five rupees
10	Twenty rupees.
11	(a) to any Agency Court other than the Court of the Political Agent One rupee (b) to the Court of the Political Agent in the exercise of its powers as a High Court Four rupees

Rules for the qualification of persons to practise as Barristers or Pleaders

No 2099, dated the 4th April, 1919—In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902 by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department No 2859-I A, dated the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to publish for general information the following rules for the qualification of persons who may in the future ask for permission to practise as barristers or pleaders in the Courts of the Rewa Kantha Agency —

1 Nothing in these rules shall be deemed to debar any Chief from submitting a memorial or representation prepared by any person in his regular service or any person from conducting his own suit or defence in any Agency Court, or from presenting a petition or memorial prepared by himself or by any person who is *bona fide* in his regular service, provided the name of such composer or writer is specified at the foot of it

2 Persons of the undermentioned classes may, at the discretion of the Political Agent, Rewa Kantha Agency, and if they satisfy him as to their general character and fitness, and subject to the conditions hereinafter prescribed, be admitted as barristers or pleaders to practise in the Court of the Political Agent, Rewa Kantha, or any Court subordinate thereto, and to appear in inquiries held by the Alienation Officer or his Assistant, and to draft English petitions or appeals to any office or appeals to Government from the decision of any officer under the Agency and in token thereof will receive sanads on payment of the fee specified below —

	Rs
(1) Barristers and Advocates of the High Court of Bombay	50
NOTE—Barristers who have not qualified as Advocates of the High Court of Bombay will be called on to pay an admission fee of Rs 250 in addition to the above license fee	
(2) Attorneys-at-Law of the High Court of Bombay	30
(3) Pleaders of the High Court of Bombay and pleaders who hold sanads for the District or Sessions Courts of the Panch Mahals	30
(4) Persons holding the degree of Bachelor of Laws of the University of Bombay	30

3 Sanads granted to barristers or pleaders will remain permanently in force subject to continued good behaviour the discharge of duty with zeal and integrity under the rules and the payment of annual fees prescribed in Rule 2

Provided also that any Barrister Advocate, Attorney or Pleader of the High Court of Bombay person holding degree of Bachelor of

Laws or any District Pleader may, at the discretion of the Court having jurisdiction, be granted permission to appear as a pleader or may draft a petition or appeal in any particular case on payment of a fee of Rs 5 notwithstanding the fact of his not having obtained a Sanad under Rule 2

3A In addition to the persons mentioned in rule 2, petitions or appeals to any officer or appeals to Government from the decision of any officer under the Agency may be drafted by any person previously approved by the Governor in Council. Such persons will receive a Sanad in token thereof and be liable to pay such annual fee as may be fixed by the Governor in Council

4 No person who has not obtained a Sanad under Rule 2 or special permission under Rule 3 shall be permitted to practise in any Agency Court, and no English petitions or appeals prepared by persons other than the aforesaid or a person who has received a Sanad under rule 3A, will be accepted by any Agency Officer in any suit or proceeding or other business of a similar nature

5 Permission to practise in the Agency Courts will extend to all cases of a judicial nature whether classed as criminal, civil or political, unless the Court shall, for reasons to be recorded in writing, declare with regard to any particular case of a political character that permission cannot be granted. And this permission will not extend to the discussion of confidential matters affecting the domestic concerns of the Chiefs or their relations with the paramount power

6 Nothing in these rules shall be deemed to affect the provisions of Order I, Rule 12, or Order III, Rules 1 and 2, of the Code of Civil Procedure, 1908 (V of 1908), or of sections 4 (1) (r) or 340 of the Code of Criminal Procedure, 1898 (V of 1898), or of any other similar enactments in force in the Agency Courts

7. Notwithstanding anything in the above rules any Mukhtyar or other persons not belonging to the classes specified in Rules 2 and 3 may practise in the Courts of Thandais and the Alienation Officer or his Assistants, and of Managers of Estates at the discretion of those Officers in each particular case if his name appears in a list communicated from time to time by the Political Agent to those officers for the purpose.

[*Bombay Government Gazette* 1919, Pt I, p 853]

Rules regulating the appointment, duties and remuneration of the Public Prosecutor and Pleaders.

No 5300-B, dated the 15th October, 1928 —

1 *Appointment of Public Prosecutor*—The Public Prosecutor shall ordinarily be appointed for a term of three years from among the Pleaders holding Sanads to practise in the Rewa Kantha Agency. The appointment shall be terminable by six months' notice on either side.

In case of necessity a non-Agency Pleader may be appointed to work as Public Prosecutor

2 *Duties*—The duties of the Public Prosecutor will be restricted ordinarily to Sessions Court business, and they shall be —

- (a) to communicate with and advise Magistrates, in respect of cases committed on about to be committed to the Sessions Court and to conduct the same,
- (b) to prepare and watch proceedings in trials before the Sessions Court and when required by the Political Agent, Magisterial Courts and to see that the attendance of the necessary witnesses has been secured,
- (c) to conduct prosecutions under the provisions of the Criminal Procedure Code in the Sessions Court and to appear for the Crown in appeals and revisional applications and confirmation proceedings before the Sessions Court and when so required before High Courts,
- (d) to advise Courts on legal points which may be referred to them

3 The Public Prosecutor shall not appear for the defence in any criminal case triable by the Court of Sessions

4 *Remuneration—Fees*—The retaining fee of the Public Prosecutor or Pauper Pleader shall be Rs 20 per diem for every day that he is actually engaged in criminal business either in the Sessions Court or any other Agency Magistrate Court at Head Quarters. Enhanced remuneration will be restricted to special cases only and will be sanctioned by Government alone on the recommendation of the Political Agent

A fee of Rs 10 will also be allowed for reading the papers

(1) If the Public Prosecutor or Pauper Pleader is required to leave his Head Quarters to proceed on duty to any place in the District or Agency he is entitled to a fee of Rs 30 per diem which may also be raised by the Political Agent up to Rs 50 in special cases. The Public Prosecutor should be allowed travelling allowance at the rate of As 2 per mile by railway and steamer and As 6 per mile by road

(2) When the Court is at a place which cannot be reached from Godhria in the days of work for which payment is allowed each day of travelling will be reckoned as a day of work

5 *Appointment of Pleader for defence of accused persons*—In cases committed to the Sessions Court in which under the orders of Government, the Political Agent finds it necessary to provide an accused person with a Pleader for his defence at the public expense, the Pleader so appointed will be paid for his services under the above rules

[*Resolution of the Government of Bombay*]

VII—Orders under Special Laws

CATTLE TRESPASS ACT, 1871

(a) *Pound fines in the Mahi Kantha Agency* (b) *Extension of section 26 to cattle and enhancement of fine*

No 5230/2/B, dated the 11th January, 1928—In exercise of the powers conferred by section 12 of the Cattle-trespass Act, 1871 (I of 1871), as amended by the Cattle-trespass (Amendment) Act, 1921 (XVII of 1921), and in supersession of Government notification in the Political Department, No 7773, dated the 18th November, 1919, the Governor in Council is pleased to direct that from the date of this notification, the following scale of fines shall be levied for every head of cattle impounded within the Thana Circles and Administered Areas in the Mahi Kantha Agency —

CATTLE	Fine per head		
	RS	A	P
Elephant	1	0	0
Camel and buffalo	1	0	0
Horse, mare, gelding, pony, colt, filly, mule bull, bullock, cow or heifer	0	8	0
Calf, ass or pig	0	4	0
Ram, ewe, sheep, lamb, goat or kid	0	2	0

2 And in exercise of the powers conferred by section 26 of the said Act, as so applied, the Governor in Council is pleased further to direct that with respect to the local areas of the Thana Circles and Administered Areas in the Mahi Kantha Agency the first paragraph of the said section 26 shall on and after the date of this notification be read as if it had reference to cattle of any kind mentioned in the scale aforesaid instead of to pigs only and as if the words "fifty rupees" were substituted for the words "ten rupees"

[Bombay Government Gazette 1928 Pt I p 93]

SADRA BAZAR

The Indian enactments and jurisdictional arrangements in force in the Sadra Bazar are those which obtain in all India circles in the Madras Agency vide pages 68 to 201 and page 217 *supra*, except that none of the orders cited under the Indian Jurisdiction Act 1903, are operative.

The following enactments are also in force —

Enactments applied

INDIAN INCOME-TAX ACT 1922

No. 279-2 *of the 12th December 1922* — In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council 1903 by the Governor General in Council in the Notification of the 19th June 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased in supersession of Government Notification in the Political Department No. 1916, dated the 24th June 1920 to apply with effect from the 1st April 1922 and in respect of salaries received by persons who are in the services of and paid by or on behalf of Government or a local authority established in the exercise of the powers of the Governor General in Council to the areas specified in the Schedule hereto annexed, the provisions of the Indian Income-tax Act 1922 (XI of 1922) in so far as the said provisions may be applicable and subject to any amendments to which the said provisions are for the time being subject in British India.

Provided that in the enactment so applied references to British India shall where so required, be read as referring to the said areas and the Commissioner of Income-tax appointed for the Bombay Presidency by the Governor General in Council under Section 5 of the said Act, shall for the purposes of the said Act have like authority over the said areas.

Provided further that for the purpose of facilitating the application of the said Act any Court in the said areas may construe the provisions therein with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

Schedule

Areas to which the enactment is applied

The Sadra Bazar (excluding Railway lands)

The Kollerville Civil Station (excluding Railway lands)

[*Bombay Government Gazette 1922 Pt. I, p. 2818*]

Indian Income-tax Rules, 1922.

No. 459-1, dated the 14th December, 1922.—In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902, by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department, No. 2859-I A, dated the 19th June, 1903, and of all other powers enabling him in this behalf, the Governor in Council is pleased to apply, with effect from the 1st April, 1922, to the areas specified in the Schedule hereto annexed, rules Nos 10, 11, 15, 16, 17, 19, 20, 21, 22, 36, 37, 39 and 40 of the Indian Income-tax Rules, 1922, republished at pages 1496-1509 of the *Bombay Government Gazette*, Part I, dated the 3rd July, 1922, in so far as the said rules may be applicable and subject to any amendments to which the said rules are for the time being subject in British India :

Provided that, for the purpose of facilitating the application of the said rules, any Court in the said areas may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adopt them to the matter before the Court —

Schedule.

Areas to which the rules are applied.

The Sadra Bazar (excluding Railway lands).

The Kolhapur Civil Station (excluding Railway lands).

[*Bombay Government Gazette*, 1922, Pt. I, p. 2848]

¹ Printed *supra*, p 68

Local Laws.

Sádra Bazar Sanitation Rules

No 16194, dated the 2nd December, 1918 —In exercise of the power delegated under the Indian (Foreign Jurisdiction) Order in Council, 1902 by the Governor General in Council in the Notification¹ of the Government of India in the Foreign Department No 2859-I A dated the 19th June 1907 and of all other powers enabling him in this behalf, the Governor in Council is pleased to prescribe the following sanitary rules in the Sadra Bazar in the Political Agency of Mahi Kantha —

Rules for the Sanitation of Sadra Bazar

1 The Sadra Bazar Karkun shall have authority to punish by a fine not exceeding one rupee, or in default of payment, by confinement in the Bazar Chavdi for a period not exceeding twelve hours any person committing any of the nuisances or disorderly acts below described and to forbid the continuance or repetition of such nuisances or acts:—

- (a) Any person who bathes or washes in or otherwise defiles or causes to be defiled any public well, tank or reservoir, so as to render it less fit for any purpose for which it is set apart
- (b) Any person who deposits in forbidden places any dirt filth or rubbish
- (c) Any person who, on any public street, passage or thoroughfare, commits nuisance by easing himself
- (d) Any person who, without sufficient cause wilfully allows to accumulate any offensive matter in cesspools, dung heaps or the like so as to cause annoyance to the neighbouring residents or to passengers or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, stable, privy or the like

2 The proceedings under these rules shall be oral and held in the presence of the parties and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded

3 The Sadra Bazar Karkun shall record the names of the parties the finding sentence or order or the withdrawal of the charge with the date of proceedings and shall forward the same to the Huzur Deputy Assistant Political Agent Mahi Kantha. The proceedings of the Sadra Bazar Karkun shall be subject to revision by the Huzur Deputy Assistant Political Agent, Mahi Kantha

[Barbhai Government Gazette 1918 Pt I p 2728]

¹ Printed *supra*, p 63

No. 6.

Page 251 —At the end, insert the following —

“ No 1697, dated the 9th August 1929 —Printed *supra*, page 201

Orders relating to Courts

*Reciprocal service of summonses by Civil Courts in the Sádra Bazar and
Civil Courts in Kenya*

No 499-I, dated the 8th October, 1924—Printed in Appendix
XXI-D

The following British enactments are in force in the Civil Station of

II—Acts of the Governor General in Council and of the Indian Legislature—See Appendix II

The Indian (Foreign Jurisdiction) Order in Council 1902.—Printed
in Appendix I

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature

Appointment of Marriage Registrar with instructions for disposal of certificates

Fees and Rules

[Bombay Government Gazette ¹⁸⁷³, Pt I, p ³⁴⁷₈₂₀.]

Exemption of certain persons from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into British India

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Assistant Resident, Kolhapur, appointed Registrar of Births and Deaths

No 4227-I, dated the 31st October, 1889 — Printed *supra*, page 73

¹ Not enumerated. See Preface to this edition, paragraph 1.

Rules and fees.

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

INDIAN FOREIGN MARRIAGE ACT, 1903.

Fees and Rules

No. 341, dated the 11th August, 1904 —Printed in Appendix VII.

INDIAN UNIVERSITIES ACT, 1904.

*Inclusion of Kolhapur in the territorial limits of the Bombay University
No. 717, dated the 20th August, 1904 —Printed in Appendix IX.*

CODE OF CIVIL PROCEDURE, 1908

*Authority to sanction institution of suits and execution of decrees
against Chiefs of Bombay States*

No 583-I B , dated the 7th March, 1921 —Printed supra page 75

OFFICIAL TRUSTEES ACT, 1913

*Inclusion of Kolhapur States in Presidency of Bombay for purposes of
the Act*

No 1450-D , dated the 19th March, 1914 —Printed in Appendix XII

ADMINISTRATOR GENERAL'S ACT, 1913

*Inclusion of Kolhapur States in Presidency of Bombay for purposes of
the Act*

*No 1449-D , dated the 19th March, 1914 —Printed in Appendix
XIII*

Exercise of the powers and duties of a District Judge under the Act

*No 3542-I , dated the 27th August, 1891 —Printed in Appendix
XIII*

V —Acts locally applied.

Application of General and Bombay Acts

No 4803 I dated the 9th November, 1887 —Whereas the Governor General in Council has power and jurisdiction, within the Residency of Kolhapur and the land situated within the limits specified and described in the subjoined schedule¹ and forming the Civil Station of Kolhapur In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879², and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders —

PART I

³(a) The provisions of the following Acts as for the time being in force in the Presidency of Bombay shall so far as they may be applicable apply to the Residency and Civil Station of Kolhapur, namely —

Acts of the Governor General in Council.

The Judicial Officers' Protection Act, 1850 (XVIII of 1850)

The Indian Penal Code, 1860 (XLV of 1860).

The Indian Divorce Act (IV of 1869)

The Court-fees Act, 1870 (VII of 1870)

The Cattle-trespass Act, 1871 (I of 1871)

The Indian Evidence Act, 1872 (I of 1872)

The Indian Contract Act, 1872 (IX of 1872)

The Indian Christian Marriage Act, 1872 (XV of 1872)

The European Vagrancy Act, 1874 (IX of 1874)

The Indian Treasure Trove Act 1878 (VI of 1878)

The Indian Arms Act, 1878 (XI of 1878)

The Indian Explosives Act, 1884 (IV of 1884)

The Indian Telegraph Act, 1885 (XIII of 1885)

The Provincial Small Cause Courts Act, 1887 (IX of 1887).

The Guardians and Wards Act 1890 (VIII of 1890)

The Land Acquisition Act 1894 (I of 1894)

The General Clauses Act 1897 (X of 1897)

The Indian Post Office Act, 1898 (VI of 1898)

¹ Not printed

² See now the Indian (Foreign Jurisdiction) Order in Council 1902 Printed in Appendix I

³ Substituted by Notification No 3215, dated the 24th May 1910 *Bombay Government Gazette* 1910 Pt I p 743

The Indian Stamp Act, 1899 (II of 1899).

The Indian Extradition Act, 1903 (XV of 1903).

The Provincial Insolvency Act, 1907 (III of 1907).

The Code of Civil Procedure, 1908 (V of 1908).

The Explosive Substances Act, 1908 (VI of 1908).

The Newspapers (Incitements to offences) Act 1908 (VII of 1908).

The Indian Limitation Act, 1908 (IX of 1908).

The Indian Registration Act, 1908 (XVI of 1908).

The Whipping Act, 1909 (IV of 1909)

¹[The Indian Motor Vehicles Act, 1914 (VIII of 1914).]

²[The Cinematograph Act, 1918 (II of 1918), as amended by Act XXIII of 1919]

Acts of the Governor of Bombay in Council.

Bombay Act II of 1874 (Jails)

The Bombay Abkari Act, 1878 (V of 1878).

The Bombay Land Revenue Code, 1879 (V of 1879).

The Bombay District Police Act, 1890 (IV of 1890).

³[The Court-fees (Bombay Amendment) Act, 1922 (Bombay I of 1922)]

(b) The Notification No 2923-I, dated the 28th August, 1885⁴ extending the Opium Act (Act I of 1878) to the Cantonment of Kolhapur, shall be deemed to apply to the Residency and Civil Station of Kolhapur, and all references in the Act, as modified by the aforesaid notification, to the "Cantonment of Kolhapur" or the "Cantonment Magistrate" shall be read as if for those words were substituted the words "Residency and Civil Station of Kolhapur" and "Assistant Political Agent of Kolhapur*", respectively

* * * * *

[*Gazette of India*, 1887, Pt I, p 583]

* Now designated "Assistant Resident, Kolhapur"

¹ Added by Notification No 5049, dated the 5th July, 1921 *Bombay Government Gazette*, 1921, Pt I, p 1651

² Added by Notification No 7762, dated the 13th October, 1920 *Bombay Government Gazette*, 1920, Pt I, p 2876

³ Added by Notification No 633-F, dated the 3rd November, 1923 *Bombay Government Gazette*, 1923, Pt I, p 2557

⁴ No 2923-I, dated the 28th August, 1885—The Governor General in Council is pleased to extend the Opium Act (I of 1878) to the Cantonment of Kolhapur, subject to the following modifications, namely —

(1) The second and third paragraphs of section 1, the definition of "Magistrate" in section 3, in section 7 the words "relating to places in the territories to which such order refers", in section 12 the words "by the Collector of the District or Deputy Commissioner, or", and the words "other", in section 22 the words "by whom the case is

Application of the Foreigners Act, 1864

No 1749-W, dated the 1st March, 1915—Printed *supra*, page 91.

Application of the Revenue Recovery Act, 1890

No 1415-I., dated the 30th April, 1890—Printed in Appendix XVI.

Application of the Epidemic Diseases Act, 1897

No 443-I A, dated the 1th February, 1897—Printed in Appendix XVIII

to be disposed of" and the proviso, in section 24 the words "Collector of the District, Deputy Commissioner or other", the words "Collector, Deputy Commissioner or other", and the words "Collector, or Deputy Collector or other" and the schedule shall be omitted

- (2) for the words "a Magistrate", "the Magistrate", and "the convicting Magistrate" wherever they occur, the words "the Cantonment Magistrate" shall be substituted
- (3) for the words "the Local Government", and "any Local Government", wherever they occur, the words "the Governor of Bombay in Council" shall be substituted
- (4) for section 2 the following section shall be substituted, namely —
 "2 Act XVIII of 1853 (*an Act for regulating the sale of spirituous liquors, etc., in Cantonments*) is repealed, so far as it relates to opium"
- (5) for the definitions of "import", "export", and "transport" in section 3, the following definitions shall be substituted, namely —
 "import" means to bring into the Cantonment of Kolhapur,
 "export" means to take out of the Cantonment of Kolhapur,
 "transport, means to remove from one place to another within the Cantonment of Kolhapur"
- (6) in the proviso to section 5 after the words "the law relating to sea-customs for the time being in force", the words "in British India" shall be inserted
- (7) in section 6, for the words "by land into British India, or into any special part thereof", the words "into the Cantonment of Kolhapur" shall be substituted
- (8) in section 5, for the words "the whole or any specified part of the territories administered by such Government", in section 7, clause (a) for the words "the territories administered by such Local Government", and in section 7, clause (c), for the words "the territories administered by such Government or into any specified part thereof", respectively, the words "the Cantonment of Kolhapur", shall be substituted
- (9) in sections 16 and 19, for the words "Code of Criminal Procedure", the words "the law relating to Criminal Procedure for the time being in force in British India" shall be substituted
- (10) in section 19 for the words "the Collector of the District, Deputy Commissioner or other" the word "any" shall be substituted
- (11) for section 25 the following shall be substituted —
 "25 When any person, in compliance with any rule made hereunder, gives a bond the whole sum mentioned therein may, upon the breach of any condition thereof be recovered from him as if it were an arrear of land-revenue"
- (12) after section 25 the following section shall be added, namely —
 "26 Any sum recoverable as an arrear of land-revenue under section 23 or section 25 may be so recovered by the Cantonment Magistrate under the provisions, so far as they can be made applicable, of the Bombay Land-revenue Code, 1879"
 [Gazette of India, 1895, Pt I, p 520]

Application of the Code of Criminal Procedure, 1898

No 2690-I A, dated the 7th October, 1898 —Whereas the Governor General in Council has power and jurisdiction within the Residency and Civil Station of Kolhapur

In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)¹, and of all other powers enabling him in this behalf.

No 1803-I dated and in modification of the notification of the the 9th November 1897 Government of India in the Foreign Department cited in the margin, the Governor General in Council is pleased to apply to the said local areas the provisions, so far as they may be applicable, of the Code of Criminal Procedure, 1898 (Act V of 1898)

Provided that all references to the Code of Criminal Procedure of 1882 in the said notifications, or in any other notification of the Government of India in the Foreign Department for the time being in force in the said local areas, shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure 1898 (Act V of 1898) and that the latter Code, as now applied, shall be subject to the provisions of the said notifications so construed

[*Gazette of India*, 1898, Pt I, p 1021]

Application of the Indian Lunacy Act, 1912

No 528-A, dated the 26th January—9th February, 1923 —Printed *supra*, page 97

Application of the Indian Income-tax Act, 1922

No 459-I, dated the 14th December, 1922 —Printed *supra* page 250

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902—Printed in Appendix I

VI.—Orders relating to Courts

Execution of capital sentences in British India

No 1431-I, dated the 27th April, 1893 —Printed in Appendix XIX

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A, dated the 13th May, 1904 —Printed in Appendix IV

High Court at Bombay to exercise jurisdiction over European British subjects

No 580-D, dated the 26th January, 1917 —Printed in Appendix IV

Justices of the Peace to commit to the High Court at Bombay

No 582-D, dated the 26th January, 1917 —Printed in Appendix IV

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D, dated the 16th January, 1917 —Printed in Appendix IV

Appointment of Justices of the Peace

No 2223-I, dated the 29th June, 1886 —Printed *supra*, page 85

No 1994-I, dated the 11th May, 1891 —Printed *supra*, page 86

Constitution of Civil and Criminal Courts

No 4803-I, dated the 9th November 1887 —Whereas the Governor General in Council has power and jurisdiction within the Residency of Kolhapur and the land situated within the limits specified and described in the subjoined schedule¹ and forming the Civil Station of Kolhapur. In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879², and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders —

* * * * *

¹ Not re-printed

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

³ Printed *supra* p 557

PART II

For the purposes of the exercise of criminal jurisdiction within the said Residency and Civil Station of Kolhapur—

(1) the Political Agent at Kolhapur,¹ for the time being, shall exercise the powers of a District Magistrate and a Court of Session, as described in the Code of Criminal Procedure, 1898²,

(2) every³ Assistant Political Agent at Kolhapur, for the time being shall exercise the powers of a Magistrate of the 1st class as described in the Code of Criminal Procedure, 1898²,

(3) the Governor of Bombay in Council shall exercise the powers of a Court of Session and High Court, as described in the Code of Criminal Procedure, 1898², in respect of all offences over which magisterial jurisdiction is exercised by the ¹Political Agent, or an³ Assistant Political Agent provided that neither the ¹Political Agent nor an ³Assistant Political Agent shall commit any accused person for trial to the Governor of Bombay in Council acting as a Court of Session

(4) the Governor of Bombay in Council shall exercise the jurisdiction of a High Court, as described in the Code of Criminal Procedure, 1898,² in respect of all offences over which the jurisdiction of a Court of Session is exercised by the ¹Political Agent

(5) In the exercise of the jurisdiction of a Court of Session, conferred on him by this notification, the ¹Political Agent may take cognizance of any offence, as a Court of original criminal jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure 1898², for the trial of warrant cases by Magistrates

6) This part of this notification applies to all proceedings, except—

- (a) proceedings against European-British subjects or persons jointly charged with European-British subjects, and
- (b) proceedings pending at the date of this notification, which shall be carried on as if this notification had not been issued

PART III

For the purposes of the exercise of civil jurisdiction within the said Residency and Civil Station of Kolhapur—

(1) the ¹Political Agent of Kolhapur, for the time being, shall exercise the powers of a District Court, as described in the Code of Civil

¹ The functions formerly exercised by the Political Agent at Kolhapur are now exercised by the "Resident at Kolhapur and Political Agent, Southern Maratha Country States"

² See Notification No 2690-I A, dated the 7th October 1898, *supra* p 260

³ Substituted by Notification No 2406, dated the 11th April, 1904 *Bombay Government Gazette* 1904 Pt I p 432 The present designation is "Assistant Resident, Kolhapur"

Procedure, for hearing original suits, whatever be the amount or value of the subject matter,¹

(2) the ²Political Agent of Kolhapur, for the time being, shall exercise the powers of a Judge of a Court of Small Causes, as described in Act IX of 1887,

(3) appeals from the decrees and orders of the ²Political Agent shall, when they are allowed by law, lie to the Governor of Bombay in Council, who shall be deemed to be the High Court

Schedule

[Gazette of India, 1887 Pt I, p 583]

Courts in British India empowered to send ³decrees to the Civil Courts of Kolhapur Civil Station for execution

No 787-I B, dated the 9th April, 1913—Printed in Appendix XXI-A

Service and execution by Civil Courts of the Kolhapur Civil Station of summonses and decrees—(a) of Civil or Revenue Courts in British India (b) of other Courts established or continued by the Governor General in Council (c) of certain Courts of Indian States

No 322-I, dated the 15th May, 1929—Printed in Appendix XXI-A

Service of summonses and execution of decrees of Civil Courts of the Kolhapur Civil Station⁴ by other Courts established or continued by the Governor General in Council

No 322-I, dated the 15th May, 1929—Printed in Appendix XXI-A

Service of summonses and execution of decrees of Civil Courts of the Kolhapur Civil Station by Civil Courts of the Baroda and Mysore States

No 398-I B dated the 25th February, 1910—Printed in Appendix XXI-C

No 2622-I B, dated the 24th December 1912—Printed in Appendix XXI-C

No 2623-I B dated the 24th December, 1912—Printed in Appendix XXI-C

The Assistant Resident Kolhapur exercises the powers of a First Class Subordinate Judge

² See footnote 1 on p 262 *supra*

³ As regards summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure 1908 (V of 1908) read with clause (1) of Notification No 322-I dated the 15th May 1929 Printed in Appendix XXI-A

⁴ These Courts may send their summonses and decrees to Courts in British India for service and execution see sections 29 and 33 of the Code of Civil Procedure 1908 (V of 1908)

Reciprocal service of summonses by Civil Courts of the Kolhapur Civil Station and Civil Courts in Kenya.

No 499-I., dated the 8th October, 1924—Printed in Appendix XXI-D

Remission of court-fees on copies of decrees of civil courts of the Baroda State forwarded to any court in the Residency and Civil Station of Kolhapur.

No 4977, dated the 3rd July, 1917—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to the areas specified in the schedule hereto annexed, the Governor in Council is pleased to remit the fees chargeable under the said Act on copies of decrees of ¹[civil courts] situate in the territories of His Highness the Guekwar Maharaja of Baroda forwarded to any court in the said areas for execution

Schedule

1 The Residency and Civil Station of Kolhapur

2. * * * *².

By order of His Excellency the Right Honourable the Governor in Council

[*Bombay Government Gazette*, 1917, Pt I, p 1585]

¹ Substituted by Notification No. 9926, dated the 20th November, 1918 *Bombay Government Gazette*, 1918, Pt I, p 2267

² Omitted by Notification No 53, dated the 18th July, 1928 *W. I. S Agency Gazette*, 1928, p. 193.

VII—Orders under Acts locally applied

INDIAN MOTOR VEHICLES ACT, 1914

Application of rules under the Act

No 5049, dated the 5th July, 1921.— * *

* * * * *

2. The Governor in Council is further pleased to apply to the said Residency and Civil Station of Kolhapur the rules made from time to time by the Local Government and the Governor General in Council under the Indian Motor Vehicles Act, 1914 (VIII of 1914)

[*Bombay Government Gazette*, 1921, Pt I, p 1651]

INDIAN INCOME-TAX ACT, 1922

Application of Indian Income-tax Rules, 1922

No. 459-I, dated the 14th December, 1922—Printed *supra*, page 250.

BOMBAY LAND REVENUE CODE, 1879

Powers of a Commissioner and a Collector under the Code

No. 3013, dated the 17th April, 1917—In exercise of the powers conferred by sections 5 and 8 of the Bombay Land Revenue Code, 1879 (Bom V of 1879), as applied to the Residency and Civil Station of Kolhapur by Government notification¹ in the Political Department, No. 3215, dated the 24th May, 1910, the Governor in Council is pleased to direct that within the Residency and Civil Station of Kolhapur—

- (a) the Resident, Kolhapur, and Political Agent, Southern Maharashtra Country States, shall exercise the powers and discharge the duties conferred and imposed on a Commissioner under the said Act or the rules under sections 213 and 214 thereunder as applied by Government notification in the Political Department, No 3216, dated the 24th May, 1910, and
- (b) the Secretary of the Civil Station Committee, Kolhapur, shall exercise the powers and discharge the duties conferred and imposed on a Collector or an Assistant or Deputy Collector by the said Act or the rules made under sections 213 and 214 thereunder as so applied

[*Bombay Government Gazette*, 1917, Pt I, p 1025]

¹ See *Bombay Government Gazette*, 1910, Pt I, p 748

'Application of certain rules to Kolhapur Civil Station

No. 3216, dated the 24th May, 1910 —With reference to Government notification¹ No. 3215, dated the 24th May, 1910, introducing the Bombay Land Revenue Code, 1879 (V of 1879), into the Residency and Civil Station of Kolhapur, the Governor in Council is pleased to apply to the aforesaid Residency and Civil Station the rules in force in the Bombay Presidency under sections 213 and 214 of the Land Revenue Code.

[*Bombay Government Gazette*, 1910, Pt. I, p. 749]

¹ See *Bombay Government Gazette*, 1910, Pt I, p 748.

CHAPTER V.—BURMA.

The feudatory¹ States and the foreign territory in the control of the Government of Burma consist of—

- (1) the States of Karenni, viz., Kantarawadi in East Karenni and Kyebugyi and Bawlake in West Karenni, and
- (2) the Namwan Assigned Tract, which is held on a perpetual lease and is administered by the British Government, under a treaty of 1897 with China

In the Karenni States jurisdiction over British subjects vests in the Superintendent of the Shan States. In other respects the Chief (*Sawbwa*) of Kantarawadi has full powers, but the Chiefs (*Myozas*) of Western Karenni are further required to refer to the Superintendent of the Shan States all cases against persons other than their own subjects and as regards the latter to submit sentences of death to the Superintendent for confirmation.

There are no Administered Areas in Karenni

¹ The Shan States are British India, having been among the territories of King Thebaw which were annexed to the British dominions by the proclamation of the 1st January, 1886. The system of administration by their own Chiefs has been maintained in the first instance by the Shan States Act, 1888, for the purposes of which the States were formally notified by Notification No. 10, dated the 11th July, 1895 (*Burma Gazette*, 1895, Pt I, p. 262), and now by the Burma Laws Act, 1898.

268 STATES OF KARENNI —(*Enactments in force —III.—Orders under Statutes —IV —Orders under Acts of the Governor General in Council and of the Indian Legislature*)

STATES OF KARENNI

The following British enactments are in force —

I.—Statutes.¹

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

III.—Orders under Statutes.

53 and 54
Vict., c. 37. The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* Appendix I

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Fees and rules.

No. 1586-E., dated the 29th August, 1892 —Printed in Appendix V.

INDIAN ARMS ACT, 1878

Exemption of certain persons from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into, British India

No. F. 829-I-22, dated the 3rd November, 1923.—(The Indian Arms Rules, 1924) —Printed in Appendix XXIII.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

Rules and fees

No. 1173, dated the 19th July, 1888.—Printed in Appendix VI.

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

INDIAN EXTRADITION ACT, 1903.²

Rules.

No. 1862-I A, dated the 13th May, 1904 —Printed in Appendix VIII

¹ Not enumerated, *see* Preface to this edition, paragraph 4

² For appointment of Political Agents, for the purposes of the Act, for certain Districts in China, *see* Notification No 2, dated the 3rd January, 1921. *Burma Gazette*, 1921, Pt I, p. 31.

OFFICIAL TRUSTEES ACT, 1913

Inclusion of States in the Province of Burma for purposes of the Act.

No. 1450-D, dated the 19th March, 1914—Printed in Appendix
XII

ADMINISTRATOR GENERAL'S ACT, 1913

Inclusion of States in the Province of Burma for purposes of the Act.

No. 1449-D, dated the 19th March, 1914—Printed in Appendix
XIII

Exercise of the powers and duties of a District Judge under the Act

No. 3542, dated the 27th August, 1891—Printed in Appendix XIII.

V.—Orders relating to Courts

Execution of capital sentences in British India

No 1431-I, dated the 27th April, 1893—Printed in Appendix XIX.

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A, dated the 13th May, 1904—Printed in Appendix IV

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D, dated the 16th January, 1917—Printed in Appendix IV

Appointment of Justices of the Peace with instructions to commit to the High Court at Rangoon

No 1920-E, dated the 19th October, 1892—In exercise of the power conferred by section 6 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)¹, the Governor General in Council is pleased—

(i) to appoint the Superintendent and Political Officer, Southern Shan States, and every Assistant Superintendent of the Southern Shan States for the time being in Karenni, being an European British subject, to be a Justice of the Peace within Karenni, and

(ii) to direct that Justices of the Peace within Karenni shall commit for trial to the ²[Chief Court of Lower Burma³]

In this notification the term "Assistant Superintendent" includes every officer whom the ²[Lieutenant-Governor of Burma] may at any time appoint to discharge for Karenni the functions of an Assistant Superintendent hereunder

[*Gazette of India*, 1892, Pt I, p 635]

Constitution of Criminal Courts

No 83-1165-Int, dated 16th January, 1903—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased in supersession of the notification of the Government of India in the Foreign Department No 1921-

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

² Substituted by Notification No 686-I B, dated the 2nd April, 1913 *Gazette of India*, 1913 Pt I, p 328

³ Now the High Court of Judicature at Rangoon

E, dated the 19th October, 1892, to make the following orders in respect of criminal proceedings in Karenni against British subjects other than (a) European British subjects, and (b) persons jointly charged with European British subjects —

(1) Every Assistant Superintendent of the Southern Shan States serving in Karenni shall exercise within Karenni the power of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898 (Act V of 1898)

(2) The ¹[Commissioner, Federated Shan States], shall exercise the powers of a Court of Session, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by an Assistant Superintendent, Southern Shan States serving in Karenni

Provided that no Assistant Superintendent shall commit any accused person for trial to the ¹[Commissioner, Federated Shan States], acting as a Court of Session

(3) The ¹[Commissioner, Federated Shan States], shall exercise the powers of a High Court, as described in the said Code, in respect of all offences over which the jurisdiction of a District Magistrate or of a Court of Session is exercised by an Assistant Superintendent, Southern Shan States, serving in Karenni

²[Provided that in respect of offences over which the said Commissioner has exercised the jurisdiction of a Court of Session, the powers of a High Court shall be exercised by the Governor of Burma in Council].

(4) In exercise of the jurisdiction of a Court of Session conferred on him by this notification, an Assistant Superintendent of the Southern Shan States serving in Karenni may take cognizance of an offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the said Code for the trial of warrant cases by Magistrates

In this notification the term "Assistant Superintendent" includes every officer whom the Governor of Burma in Council may appoint to discharge for Karenni the functions of an Assistant Superintendent hereunder

[*Gazette of India*, 1923, Pt I, p 43]

¹ Substituted by Notification No 504-I, dated the 14th October, 1925 *Gazette of India*, 1925, Pt I, p 944

² Added by ditto

NAMWAN ASSIGNED TRACT

Provision for the laws, Courts, and general administration of the Namwan Assigned Tract is made by the following notification:—

No 788-E B, dated the 2nd June, 1899—Whereas by a Treaty ratified at Peking on the fifth day of June, 1897, it has been agreed between the respective Governments of Great Britain and China that, within the tract of country to the south of the Namwan River, near Namkhai, which may hereafter be designated “the Namwan Assigned Tract” and is enclosed to the west by a branch of the Nammak River and the Mawsi range of hills up to the Loichaw Peak, and thence by the range running in a north-easterly direction to the Shweli River, the administration and control shall be entirely conducted by the British Government

And whereas the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east, has hitherto been administered by the British Government as part of the Shan State of Mongmit, and the portion comprising the villages of Mansawn, Kunkyang and Kawngnawng, together with the lands appertaining thereto, as part of the Shan State of North Hsenwi

And whereas it is desirable that so much of the said Tract as has hitherto been administered as aforesaid should continue to be so administered, and that the rest of the said Tract, which has hitherto been administered by the Chinese Government, should henceforth be administered as part of the district of Bhamo in Upper Burma

Now, in pursuance of the said Treaty and in exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)¹, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following orders for the administration of the said Tract, namely —

1 (1) All laws for the time being in force in the Shan State of Mongmit shall be deemed to apply to the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east,

(2) All laws for the time being in force in the Northern Shan States shall be deemed to apply to the villages of Mansawn, Kunkyang and Kawngnawng, together with the lands appertaining thereto; and

(3) All laws for the time being in force in the district of Bhamo shall be deemed to apply to the rest of the said Tract

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I.

Provided that, for the purposes of the application of the Kachin Hill-tribes Regulation, 1895 (I of 1895)—

- (a) all laws for the time being applicable, under the said Regulation, to any hill-tribe in the Shan State of Mongmit shall apply to all hill-tribes in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east,
- (b) all laws for the time being so applicable to any hill-tribe in the Shan State of North Hsenwi shall apply to all hill-tribes in the villages and lands specified as aforesaid; and
- (c) all laws for the time being so applicable to any hill-tribe in the district of Bhamo shall apply to all hill-tribes in the rest of the said Tract

2 (1) The Lieutenant-Governor of Burma and all officers subordinate to the Government of Burma for the time being exercising authority in the Shan State of Mongmit shall have the like authority in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east,

(2) The said Lieutenant-Governor and officers for the time being exercising authority in the Shan State of North Hsenwi shall have the like authority in the villages and lands specified as aforesaid, and

(3) The said Lieutenant-Governor and officers for the time being exercising authority in the district of Bhamo shall have the like authority in the rest of the said Tract

3 (1) All Courts having jurisdiction for the time being in the Shan State of Mongmit shall have the like jurisdiction in the portion of the said Tract which is bounded by the Namkham stream on the north, the Sinmakha stream on the west, the Loichaw Ridge on the south and the Shweli River on the east,

(2) All Courts having jurisdiction for the time being in the Shan State of North Hsenwi shall have the like jurisdiction in the villages and lands specified as aforesaid, and

(3) All Courts having for the time being jurisdiction in the district of Bhamo shall have the like jurisdiction in the rest of the said Tract

[*Gazette of India*, 1899, Pt I, p. 446]

CHAPTER VI.—CENTRAL PROVINCES.

The States in political relations with the Governor in Council of the Central Provinces are —

Agency	States	
Central Provinces Feudatories	Bastar	¹ Korea
	¹ Changbhakar	Makrai
	Chhuikhadan	Nandgaon
	¹ Jashpur	Raigarh
	Kanker	Sakti.
	Kawarda	Sarangarh
	Khairagarh	¹ Surguja
		¹ Udaipur

In all the States the Chiefs are bound by their fealty² bonds, ²*sanaads* and executive² orders to submit sentences of death for confirmation by the Governor in Council. With the exception of Raigarh and Sarangarh all the Chiefs are further bound to submit sentences of imprisonment for more than seven years for the confirmation of the Political Agent. The Political authorities also possess³ the usual jurisdiction in respect of British subjects, Europeans and Americans and Government servants.

The railways in these States are included in the Eastern Division of Railways according to the classification in Volume VIII.

The only Administered Area in the Central Provinces is Berar⁴ which is held on perpetual lease from His Highness the Nizam of Hyderabad by an agreement⁵ of 1902.

¹ Transferred from the Chota Nagpur Agency (then in Bengal) in 1905, the change of authority in general respects being provided for by the following notification —

No 3448-I B, dated the 17th August, 1906 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to direct that the Commissioner, Chhattisgarh Division, and the Chief Commissioner of the Central Provinces, shall exercise the powers hitherto enjoyed in regard to the Feudatory States of Surguja, Jashpur, Udaipur, Korea, and Changbhakar by the Commissioner, Chota Nagpur, and the Bengal Government, respectively, with respect to any matters not otherwise provided for in separate notifications. These orders apply to all proceedings except proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1906, Pt I, p 588.]

² See Treaties, 4th Edition, Volume I, pages 445 and 447 and Notification No 1069-I B, dated the 3rd April, 1919. *Gazette of India*, 1919, Pt I, p 733.

³ Provision has been made for its exercise only in the case of European British subjects.

⁴ For the enactments in force in Berar, see the Berar Code.

⁵ Treaties, 4th Edition, Volume IX, p 174.

STATES IN THE CENTRAL PROVINCES

The following British enactments are in force in the States in the Central Provinces—

I.—Statutes.¹

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.²

III.—Orders under Statutes.

^{53 and 54}
^{Vict, c. 37.} The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* Appendix I

¹ Not enumerated *see* Preface to this Edition, paragraph 4

² For inclusion of the Central Provinces States in the territorial limits of the Nagpur University, *see* section 47 of the Nagpur University Act, 1923 (O P. Act V of 1923).

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Political Agent, Central Provinces Feudatory States, appointed to be a Marriage Registrar for the local areas in certain Feudatory States • Appointment of the Registrar General of Births, Deaths and Marriages for the Central Provinces to be the officer to whom the Marriage Registrar, Central Provinces Feudatory States shall send certificates

No C-430/878/II, dated the 28th May, 1929 —In supersession of the notification of the Government of India in the Foreign Department No 4369-I B, dated the 20th October, 1905 and in exercise of the powers conferred by Sections 8 and 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), as amended by the Devolution Act, 1920, the Governor in Council is pleased to appoint the Political Agent, Central Provinces Feudatory States, being a Christian, to be a Marriage Registrar for the local areas in the Feudatory States of Bastar, Raigarh, Saingarh, Khanagarh, Nandgaon, Kankei, Chhuikhadan, Sakti, Kawaidha, Jashpur, Surguja, Udaipur, Koreia, Changbhakar and Makrai

2 The Governor in Council is further pleased under Section 56 of the said Act to appoint the Registrar General of Births, Deaths and Marriages for the Central Provinces to be the Officer to whom the said Marriage Registrar shall send the certificates mentioned in Section 54 of the Act

[Central Provinces Gazette, 1929, Pt I, p 459]

Fees and rules

No 8859, dated the 31st December, 1891 —Not reprinted

[Central Provinces Gazette, 1892, Pt II, p 2]

INDIAN ARMS ACT, 1878

Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from and their import into British India

No F. 829-I-22, dated the 3rd November, 1923 —(The Indian Arms Rules, 1924) Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

*Appointment of—(a) Registrars of Births and Deaths (b) Registrar General for the Central Provinces to be Registrar General*¹

No 1532-I, dated the 13th May, 1895 —In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registra-

¹ Cf the proviso to section 24 (2) added by the Devolution Act, 1920 (XXXVIII of 1920)

tion Act (VI of 1886), the Governor General in Council is pleased to appoint the person for the time being holding the office of Superintendent, Chhattisgarh Pilgrim Mission, American Free Methodist Church, Rajnandgaon, to be a Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (I), clause (b), of the said Act, within the Feudatory States of the Central Provinces

[*Gazette of India*, 1895, Pt I, p 404]

No C-431/878/II., dated the 28th May, 1929 —In supersession of the notification of the Government of India in the Foreign Department No 4371-I B, dated the 20th October, 1905 and in exercise of the powers conferred by the proviso to section 13 of the Births, Deaths and Marriages Registration Act, 1886, as amended by the Devolution Act, 1920, the Governor in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (I), clause (b) of the said Act, for the local areas mentioned opposite their designations in the second column of the schedule, respectively —

Offices	Local areas
The Political Agent, Central Provinces Feudatory States	The Feudatory States of Bastar, Raigarh, Sarangarh, Khairagarh, Nandgaon, Kanker, Chhuikhadan, Sakti, Kawardha, Jashpur, Surguja, Udaipur, Korea, Changbhakar and Makrai
The Missionary in charge of the Methodist Episcopal Mission, Jagdalpur, Bastar State	The Feudatory State of Bastar

[*Central Provinces Gazette*, 1929, Pt I p 459]

Rules and fees

No 1173, dated the 19th July, 1888 —Printed in Appendix VI

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees

No 341, dated the 11th August, 1904 —Printed in Appendix VII

INDIAN EXTRADITION ACT, 1903

Appointment of Political Agent for purposes of the Act

No 3441-I B, dated the 17th August, 1906 — In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule to exercise the powers of a Political Agent for the purposes of the Indian Extradition Act, 1903 (XV of

STATES IN THE CENTRAL PROVINCES —(IV.—Orders under Acts of 279
the Governor General in Council and of the Indian Legisla-
ture)

No 7.

Page 279 —In Notification No 3441-I B , dated the 17th August, 1906,
in the Schedule —

(1) In the first column, for the word “ Chhattisgarh ”, substitute the
words “ Central Provinces ”, and

(2) In the second column, for the word “ Surguja ” and the words
“ Korea ” and “ Chang Bhakar ” respectively, substitute the word
“ Surguja ” and the words “ Korea, Changbhakar and Makrai ”

[Notification No 421-I, dated the 17th June 1929
Gazette of India, 1929, Pt I, p 803]

*Offences under the Criminal Tribes Act declared to be extradition
offences*

No 4806-I B , dated the 17th November, 1919 —Printed in Ap-
pendix VIII.

Rules under the Act, except in areas under British jurisdiction.

No 1862-I. A., dated the 13th May, 1904 —Printed in Appendix
VIII

CODE OF CIVIL PROCEDURE, 1908

*Authority to sanction institution of suits and execution of decrees
against Chiefs of States in the Central Provinces*

No. 749-I. B., dated the 27th March, 1912.—Printed in Appendix X.

OFFICIAL TRUSTEES ACT, 1913

*Inclusion of States in the Province of the Central Provinces for purposes
of the Act.*

No. 1450-D., dated the 19th March, 1914 —Printed in Appendix XII

ADMINISTRATOR GENERAL'S ACT, 1913

*Inclusion of States in the Province of the Central Provinces for purposes
of the Act*

No 1449-D , dated the 19th March, 1914 —Printed in Appendix
XIII

Exercise of the powers and duties of a District Judge under the Act.

No. 3542-I., dated the 27th August, 1891 —Printed in Appendix
XIII.

280 STATES IN THE CENTRAL PROVINCES.—(IV.—*Orders under Acts of the Governor General in Council and of the Indian Legislature.*)

INDIAN INCOME-TAX ACT, 1922

Modification of income-tax when income-tax has been charged both in British India and in certain States in the Central Provinces.

No. 25, dated the 1st July, 1926.—Printed in Appendix XV.

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V —Orders relating to Courts.

Execution of capital sentences in British India.

No. 1431-I , dated the 27th April, 1893.—Printed in Appendix XIX.

Criminal law and procedure of British India applicable to British subjects in Indian States.

No 1863-I A , dated the 13th May, 1904 —Printed in Appendix IV

- (a) *Jurisdiction of Court of Judicial Commissioner, Central Provinces, over European British subjects, (b) Justices of the Peace to commit for trial to the said Court.*

No 220-I , dated the 12th May, 1924.—In exercise of the power conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign and Political Department, No. 60-I , dated the 22nd January, 1924, the Governor General in Council is pleased to direct—

- (1) that original and appellate criminal jurisdiction over European British subjects of His Majesty for the time being within the States in the political charge of the Government of the Central Provinces shall, until the Governor General in Council otherwise orders, be exercised by the Court of the Judicial Commissioner, Central Provinces, and
- (2) that Justices of the Peace for the time being for the said States shall commit for trial to the Court of the Judicial Commissioner, Central Provinces

[*Gazette of India*, 1924, Pt I, p 358]

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D , dated the 16th January, 1917 —Printed in Appendix IV.

Appointment of Justices of the Peace

No 3873-I. B., dated the 21st August, 1919 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign

Department, No 4367-I B , dated the 20th October, 1905, and No 1794-I B , dated the 22nd August, 1912, the Governor General in Council is pleased to appoint the officers for the time being holding the offices specified in the first column of the Schedule hereto annexed, being European British subjects, to be Justices of the Peace within the States mentioned opposite their designations in the second column of the said Schedule —

SCHEDULE

Officers	States
1 The Political Agent	All Feudatory States in the Central Provinces
2 The Deputy Commissioner, Raipur	Nandgaon, Khairgarh and Chhuikhandan
3 Any Assistant Commissioner at Raipur, invested with the powers of a Justice of the Peace under the Code of Criminal Procedure	
4 The Deputy Commissioner, Bilaspur	Kawardha, Sakti, Raigarh, Saingarh, Jashpur, Surguja, Udaipur, Korea and Changbhakar
5 Any Assistant Commissioner at Bilaspur invested with the powers of a Justice of the Peace under the Code of Criminal Procedure	
6 The Deputy Commissioner, Hoshangabad	Makia
7 Any Assistant Commissioner, Hoshangabad invested with the powers of a Justice of the Peace under the Code of Criminal Procedure	

[Gazette of India, 1919, Pt I, p 1644]

Criminal Jurisdiction in Surguja, Jashpur, Udaipur, Korea and Changbhakar

No 1069-I B , dated the 3rd April 1919 —Whereas the Governor—

No. 8.

Page 282 —In Notification No 1069-I B , dated the 3rd April 1919 —

(1) In the preamble for the word “ Surguja ” substitute the word “ Surguja ”,

(2) In order (1) for the word “ Chhattisgarh ” substitute the words “ Central Provinces ”, and

(3) For the words “ Chief Commissioner ” wherever they occur, substitute the words “ Governor in Council ”

[Notification No 420-I , dated the 17th June 1929

Gazette of India, 1929, Pt I, p 803]

within the limits of the said States shall be referred for confirmation to the Political Agent, Chhattisgarh Feuda-

tories, and all sentences of death shall be referred for confirmation to the Chief Commissioner

- (2) In cases where there are more than one accused and one of them is sentenced to transportation or to death, any lesser sentence requiring confirmation passed on any of the other accused shall be referred for confirmation to the same authority which is competent to confirm the higher sentence
- (3) The respective authorities empowered to confirm sentences shall also hear appeals from sentences which they are competent to confirm
- (4) The Political Agent in the exercise of any jurisdiction delegated to him in respect of the said States or in advising any Chief, is to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable and (in cases where Chiefs and their subjects are concerned) so far as it is not inconsistent with any local law or custom or any order of the Chief Commissioner, Central Provinces, in force for the time being
- (5) These orders apply to all proceedings, except proceedings against European British subjects or persons charged jointly with European British subjects

[*Gazette of India*, 1919, Pt I, p 733]

Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army

Letter of the Government of India, No 1389-I A , dated the 18th April, 1905.—Printed in Appendix XX.

Reciprocal service of summonses by Civil and Revenue Courts of States in the Central Provinces and Courts in British India

No. 323-I , dated the 15th May, 1929 —Printed in Appendix XXI-B.

Service by Courts in Berar of summonses of Civil or Revenue Courts of States in the Central Provinces

No. 2807-I. B , dated the 10th July, 1908 —Under the provisions of section¹ 650A of the Code of Civil Procedure (Act XIV of 1882), as applied to Berar, the Governor General in Council is pleased to declare

¹ See now s 29 of the Code of Civil Procedure, 1903 (V of 1903)

that summonses issued by any Civil or Revenue Court within the territories of the States named in the Schedule to this notification may be sent to the Courts in Berar and served as if they had been issued by such Courts :

SCHEDULE

Bastar	Udaipur
Kanker	Jashpur
Nandgaon ¹	Sirguja
Khairagarh	Korea
Kawardha	Changbhakar.
Raigarh	Makrai
Sarangarh	Ohhuikhadan

Sekt

[*Gazette of India*, 1908, Pt. I, p 610.]

¹ Substituted by Notification No 3266-I. B , dated the 14th August, 1908. *Gazette of India*, 1908, Pt I, p 774

CHAPTER VII —PUNJAB

The States in political relations with the Government of the Punjab are comprised in the following Agencies —

Agencies	States
¹ Ambala	Dujana, Kalsia, Pataudi
² Simla Hill States	Baghal, Baghat, Balsan, Bashahr, Bhajji, Bija, Darkoti, Delath, Dhadi, Dhami Ghund, Jubbal, Khaneti, Keonthal Kuthai, Kot, Kumharsain, Kunihar, Madhan, Mahlog, Mangal, Nalgail (Hindur), Ratesh, Rawin, Sangri, Tharoch, Theog

The tribal territory known as the Dera Ghazi Khan Frontier Tract is under the control of the Punjab Government exercised through the Deputy Commissioner of the Dera Ghazi Khan District. It is bounded by that district on the east and by the Baluchistan Agency on the west, and is inhabited, in the order named from south to north, by the tribes of the Mazaris, Gurchanis, Legharis, Khosas, Sorilunds, Bozdars and Kasianis.

In all the States capital sentences passed by the State Courts require confirmation by the political authorities. In Bashahr the Chief has leased the forests of the State to the British Government and has delegated the jurisdiction necessary for their management. In the Dera Ghazi Khan Frontier Tract British jurisdiction is exercised through the Chiefs and elders of the tribes so far as circumstances permit.

The only administered area in the States under the political charge of the Punjab Government is a small block of land at Kasumpti adjoining Simla, which is leased from the Raja of Keonthal, together with part of the ground forming the catchment area for the water supply of Simla.

The various railways are included in the North Western Division of railways according to the classification in Volume VIII.

¹ The Commissioner of this Division is *ex-officio* the Political Officer.

² The Deputy Commissioner of the Simla district is *ex-officio* the Superintendent of the Simla Hill States.

STATES IN THE PUNJAB.

The following British enactments are in force in the States in the Punjab which are in political relations with the Government of the Punjab.—

- I.—Statutes.¹
- II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.
- III.—Orders under Statutes.—*See infra*, page 287.
- IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See infra*, page 288
- V.—Orders relating to Courts.—*See infra*, page 293
- VI.—Special Laws.—*See infra*, page 295
- VII.—Orders under Special Laws —*See infra*, page 297.

¹ Not enumerated *See* Preface to this Edition, paragraph 4

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —See^{53 and 54}
Appendix I. Vict., c. 37.

No 580-D, dated the 26th January, 1917 —(Jurisdiction of High^{5 and 6 Geo.}
Courts over European British subjects)—See Appendix IV V., c. 61.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872

Officers appointed Marriage Registrars and licensed to grant certificates of marriage between Indian Christians

No 16942, dated the 6th June, 1922 —In exercise of the powers conferred by sections 8 and 9, respectively, of the Indian Christian Marriage Act 1872 (XV of 1872), as delegated to him by the notification of the Government of India, in the Foreign Department, No 2033-I B, dated the 26th September 1912, His Excellency the Governor in Council is pleased—

(a) to appoint the officers specified in the first column of the schedule hereto annexed, being Christians, to be Marriage Registrars in respect of all places within the States mentioned in the corresponding entries in the second column of the said schedule and

b) to license the said officers to grant certificates of marriage between Native Christians within the said States

2 Punjab Government Notifications Nos 23136 and 14405, dated the 11th December 1917 and the 25th July, 1918, respectively, are hereby cancelled

SCHEDULE

Officers	States
Deputy Commissioner Rohtak	Dugan
Deputy Commissioner Gujraton	Pitaudi
Deputy Commissioner Ambala	Kalsia
Superintendent Hill States Simla	The Simla Hill States, except the Bilaspur State

[*Punjab Gazette*, 1922, Pt I, p 515]

Fees and Rules

No 1586-E dated the 29th August, 1892 —Printed in Appendix V

EUROPEAN VAGRANCY ACT, 1874

Provisions brought into force in Punjab States from the 29th February, 1872

¹No 900, dated the 22nd February, 1872 —In the exercise of the power vested in him by the last clause of section 2 of the European

¹ This notification is kept in force by s 2 of Act IX of 1874, and should now be read as referring to ss 4 to 16, 19, 20, 24 and 29 of that Act

Vagrancy Act, 1869, His Excellency the Acting Governor General in Council is pleased to extend sections 4 to 16 (both inclusive), 19, 20, 24 and 29 of the said Act to the Punjab, as well as to the dominions of the Princes and States in alliance with Her Majesty, situated within the limits of the Province, with effect from the date¹ of the re-publication of this notification in the local Gazette of the Government of the Punjab

[*Gazette of India*, 1872, Pt I, p 188]

OPIMUM ACT, 1878

Duty on opium produced in the Punjab States and imported into the Punjab

No 1084, dated the 24th February, 1923 —In exercise of the powers conferred by section 6 of the Opium Act, 1878 (I of 1878), and in supersession of the Notification of the Government of India in the Commerce Department, No 1052, dated the 25th February, 1922, the Governor General in Council is pleased to direct that duty at the rate of Rs 47 per seer shall be levied, with effect from the 1st April, 1923, upon all opium, except poppy heads, produced in any State in the political control of the Punjab Government or the Agent to the Governor General, Punjab States, and imported into the Punjab

[*Gazette of India*, 1923, Pt I, p 173]

INDIAN ARMS ACT, 1878

Exemption of certain persons from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into British India

No F-829-I-22, dated the 3rd November, 1923 —(The Indian Arms Rules, 1924) Printed in Appendix XXIII

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Appointment of Registrars of Births and Deaths and ²Registrar-General

No 1873-I B, dated the 26th June, 1918 —In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to appoint the officers specified in the first column of the schedule hereto annexed to be Registrars of Births and Deaths for all places within the States mentioned in the corresponding entries in the second column of the said schedule

¹ It was published in the Punjab Government Gazette on the 29th February, 1872 see p 274 of that Gazette

² Cf the proviso to section 21 (2) added by the Devolution Act, 1920 (XXXVIII of 1920)

2 For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Punjab to be the Registrar-General to whom the said Registrars shall send certified copies of entries of births and deaths in the register books kept by them ¹

3 The notification of the Government of India in the Foreign and Political Department, No 208-I B , dated the 17th January, 1918, is hereby cancelled

Officers						States			
1	*	*	*	*	*	*	*	*	*
2	Deputy Commissioner, Rohtak					Dujana			
3	Deputy Commissioner, Gurgaon					Pataudi.			
4	Deputy Commissioner, Ambala					Kalsia	*	*	*
5	*	*	*	*	*	*	*	*	*
6	*	*	*	*	*	*	*	*	*
7	*	*	*	*	*	*	*	*	*
8	*	*	*	*	*	*	*	*	*
9	Superintendent, Hill States, Simla					The Simla Hill States			

[*Gazette of India*, 1918, Pt I, p 1022]

Fees and Rules.

³ No 1173, dated the 19th July, 1888 —Printed in Appendix VI.

INDIAN FOREIGN MARRIAGE ACT, 1903

Fees.

No 341, dated the 11th August, 1904 —Printed in Appendix VII

INDIAN EXTRADITION ACT, 1903

Offences under the Criminal Tribes Act declared to be extradition offences

No 4806-I B , dated the 17th November, 1919.—Printed in Appendix VIII

Description from certain units of Indian State Forces declared to be an extradition offence.

No 405-I , dated the 20th June, 1928 —Printed in Appendix VIII

¹ (f the proviso to section 24 (2) added by the Devolution Act, 1920 (XXXVIII of 1920)

² Superseded by Notification No 1303—149-Int, dated the 9th June, 1922 *Gazette of India*, 1922, Pt I, p 658

³ For revised schedules A and B, see Notification No 273, dated the 14th February, 1913 *Punjab Gazette*, 1913 Pt I, p 118

Rules under the Act

No 1862-I A , dated the 13th May, 1904 —Printed in Appendix VIII

Orders as to the delivery of accused persons to Courts of States in the Punjab

No 2682-I , dated the 13th August, 1885 —* * The Governor General in Council is further pleased to direct that for offences committed in any of these States, the persons accused shall be handed over by the Political Agent concerned to the Courts of the States for trial But this direction is subject to the instructions contained in the notification published in the *Gazette of India*,¹ No 87-J , over the 16th August in 1876, and to the further condition that should there be, in any particular instance, special reasons for his so doing, the Political Agent may dispose of the case himself

[*Letter of the Government of India*]

Officers invested with powers of a Political Agent under the Act

No 648-I B , dated the 31st March, 1913 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of all previous orders to that effect, the Governor General in Council is pleased to appoint the officers named in the first column of the schedule hereto annexed to exercise the powers of a Political Agent for the purposes of the Indian Extradition Act, 1903 (XV of 1903), for the States mentioned in the corresponding entries in the second column

SCHEDULE

The Commissioner, Ambala Division	Djajana, Kalsia, * * * Pataudi, * *
** * *	* * *
** * *	**
The Superintendent, Simla Hill States	Baghal, Baghat, Balsan, Bashaht, Bhajji, Bura, * * *, Dirikut, Delath, Dhadi, Dharm, Ghund Jubbah, Kanthi Keonthal Kothur, Koti Kumbhusan Kunihun Madhan Mulog Mingal, Nalaguh (Hindur) Rakesh Rawan Singri, Tiroch, Theog

[*Gazette of India*, 1913, Pt I. p 321]

¹ 1876, Pt I, p 140. See now Rule 5 (2) (ii) and (i) of Notification No 1862-I A dated the 13th May 1904 printed in Appendix VIII

² Quoted by Notification No 646—167 I dated the 24th April 1921, *Gazette of India* 1923, Pt I, p 377

INDIAN UNIVERSITIES ACT, 1904

*Inclusion of Punjab States in the territorial limits of the Punjab
University*

No 717, dated the 20th August, 1904 —Printed in Appendix IX.

CODE OF CIVIL PROCEDURE, 1908

*Authority to sanction institution of suits and execution of decrees
against Chiefs of States*

No 749-I. B , dated the 27th March, 1912 —Printed in Appendix X

OFFICIAL TRUSTEES ACT, 1913

Inclusion of States in the Province of the Punjab for purposes of the Act

No 1450-D , dated the 19th March, 1914 —Printed in Appendix XII

ADMINISTRATOR GENERAL S ACT, 1913

Inclusion of States in the Province of the Punjab for purposes of the Act

No 1449-D , dated the 19th March, 1914 —Printed in Appendix
XIII

Exercise of the powers and duties of a District Judge under the Act

No 3542-I , dated the 27th August, 1891 —Printed in Appendix
XIII

INDIAN INCOME-TAX ACT, 1922

*Modification of income-tax when income-tax has been charged both in
British India and in the Baghat State*

No 25, dated the 1st July, 1926 —Printed in Appendix XV

V.—Orders relating to Courts

Execution of capital sentences in British India.

No 1431-I , dated the 27th April, 1893 —Printed in Appendix XIX

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A , dated the 13th May, 1904 —Printed in Appendix IV

Jurisdiction of High Court at Lahore over European British subjects

No 580-D , dated the 26th January, 1917 —Printed in Appendix IV

Justices of the Peace to commit to the High Court having jurisdiction

No 582-D , dated the 26th January, 1917 —Printed in Appendix IV

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No 319-D , dated the 16th January, 1917 —Printed in Appendix IV

Appointment of Justices of the Peace

No 647-167-I , dated the 24th April, 1923 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased, in supersession of the notification of the Government of India in the Foreign and Political Department, No 741-I B , dated the 7th May, 1914, to appoint the officers for the time being holding the offices specified in the first column of the Schedule hereto annexed, being European British subjects, to be Justices of the Peace within the territories of the States entered in the second column of the Schedule opposite their respective names, and to direct that the High Court of Judicature at Lahore shall be the Court to which such officers shall commit European British subjects for trial

SCHEDULE

The Commissioner Ambala Division	{ Dujana
	{ Kalsi
	{ Pataudi
The Superintendent, Simla Hill States	{ Baghal
	{ Baghat
	{ Baisan
	{ Bashahr
	{ Bhajji
	{ Bija
	{ Dalkuti

The Superintendent Simla Hill States	{	Delath
		Dhadi
		Dhami
		Ghund
		Jubbil
		Kanet'ia
		Keonthal
		Kothar
		Koti
		Kumharan
		Kunhar
		Madhin
		Marlog
		Mangal
		Nalguth (Hindar,
		Ratesh
•	{	Rwin
		Sangri
		Thoch
		Theog

[*Gazette of India*, 1923, Pt I, p 377]

Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army

Letter of the Government of India, No 1380-I A , dated the 18th April 1905 —Printed in Appendix XX

VI—Special Laws.

Application to the Bashahr State of the provisions of the Bengal Eastern Frontier Regulation, 1873

¹No. 4449-E C, dated the 14th November, 1907 —In exercise of the powers conferred upon him by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to apply the provisions of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), to the State of Bashahr, and to declare that the said Regulation shall be read subject to the following modifications, that is to say, as if—

- (1) for the “ Local Government of Bengal ” the “ Local Government of the Punjab ” were substituted,
- (2) for the “ Calcutta Gazette ” the “ Punjab Gazette ” were substituted,
- (3) for “ any district or districts referred to in the Regulation ” the “ State of Bashahr ” were substituted,
- (4) for the “ chief executive officer of any district ” the “ Superintendent, Hill States, Simla District,” were substituted

[*Gazette of India*, 1907, Pt I, p 1042]

Application to the Bashahr State of the Bengal Eastern Frontier (Amendment) Regulation, 1925

No 598-X, dated the 16th December, 1925 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all powers enabling him in that behalf the Governor General in Council is pleased to apply the provisions of the Bengal Eastern Frontier (Amendment) Regulation, 1925 (V of 1925), to the State of Bashahr

[*Gazette of India*, 1925, Pt I, p 1196]

¹ This enactment, which has the object of controlling communication with the country to the north-east of Bashahr, is supplemented by the extension of the Regulation to the British Districts of Spiti, Lahaul, Almora and Garhwal, under which supplementary notifications have been issued similar to those printed *infra*, p 297, cf Notifications Nos 534-536 and 539-541, dated the 3rd December, 1907, as amended by Nos 82 and 84, dated the 6th March, 1908 (*Punjab Gazette*, Pt 1, 1907, p 921, and 1908, p 126) and Nos 231-237, dated the 21st March, 1907, as amended by No 182 dated the 27th February, 1908 (*United Provinces Gazette*, Pt I, 1907 p 217, and 1908, p 174) Similar measures have been adopted by the Raja of Tehri

VII.—Orders under Special Laws

BENGAL EASTERN FRONTIER REGULATION, 1873

Restrictions on crossing the " Inner Line " as defined ¹

No 537, dated the 3rd December, 1907—Under the provisions of section 2 of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), which has been extended to the State of Bashahr by the notification² of the Government of India in the Foreign Department No 4449-E C, dated the 14th November, 1907, and in exercise of the powers conferred on him by the aforesaid notification, the Lieutenant-Governor of the Punjab, with the previous sanction of the Governor General in Council, is pleased to prescribe the line described below as the " Inner Line " on frontier of the said State —

From a point about four miles east of the Great Snowy Cone (19,962 feet) on the Bashahr-Tehrī boundary along that boundary in a westerly direction so far as the Nela Peak, thence northwards to Nilhal on the Baspa river and down that river so far as Chitkul, from Chitkul over the Charang Pass to Dogri in the Todoong Valley along the Todoog river to the Sutlej, up the Sutlej so far as the confluence of that river and the Spiti river, and thence up the Spiti river to the border of Spiti

In exercise of the powers conferred by the section above quoted and by the aforesaid notification, the Lieutenant-Governor is further pleased to prohibit all persons residing in or passing through the Bashahr State other than officers on Government duty, or persons who by nationality are either Indians or Tibetans, from going beyond the " Inner Line " in the said State in an easterly direction without a pass under the hand and seal of the Superintendent, Hill States

[*Punjab Gazette*, 1907, Pt I, p 923]

Form of pass for crossing the " Inner Line "

No 538, dated the 3rd December, 1907—In exercise of the powers conferred by section 4 of the Bengal Eastern Frontier Regulation, 1873 (V of 1873), which has been extended to the Bashahr State by the notification² of the Government of India in the Foreign Department No 4449-E C, dated 14th November, 1907, and in pursuance of the authority conferred on him by that notification, the Lieutenant-Governor is pleased to pre-

¹ For similar orders regarding Spiti and Lahaul see Notifications Nos 535, 536, 540 and 541 of the same date. Nos 536 and 541 are likewise amended.

² Printed *supra*, p 205

scribe the following form of pass for crossing "the Inner Line" of the said State —

Pass granted under section 4, Regulation V of 1873.

BASHAHR STATE.

[illegible]

N B —1 This pass will be given up to the officer in charge of the outpost on the grantee's return

2. The grantee shall not visit any place, or travel or attempt to travel by any route other than that indicated in the pass

3 On receipt of written notice of the cancellation of the pass, the grantee shall forthwith return with the "Inner Line" by such route as may be indicated in such notice, or if no route be indicated, then by the shortest route

SIMLA, }
The . } *Superintendent, Hill States*

The Lieutenant-Governor authorises the officer issuing the passes as aforesaid to levy a fee of eight annas on each pass

[*Punjab Gazette*, 1907, Pt I, p 923]

¹ Substituted by Notification No 83, dated the 6th March, 1908 *Punjab Gazette*, 1908, Pt I, p 126

DERA GHAZI KHAN FRONTIER TRACT

The following British enactments are in force in the Dera Ghazi Khan Frontier Tract —

I —Statutes ¹

II —Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* Appendix I 53 and 54
Vict, c 37.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN ARMS ACT, 1878

*Exemption of certain persons from certain prohibitions and directions
contained in the Act, rules regarding the export of arms and ammu-
nition from, and their import into, British India*

No 829-I-22, dated the 3rd November, 1923 —(The Indian Arms
Rules, 1924) —Printed in Appendix XXIII

¹ Not enumerated *See* Preface to this Edition, paragraph 4

V.—Local Laws.

No 1720-F, dated the 27th June, 1902—Whereas the Governor General in Council has power and jurisdiction within the tracts noted in the margin

The tract bounded by the plains of the Dera Ghazi Khan District on the east and south by the territories included in the Thal-Chotiali¹ and Zhob Political Agencies of Baluchistan on the west, and by the tracts subject to the political control of (a) the Chief Commissioner, North-West Frontier Province and (b) the Political Agent, Zhob on the north

In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)², and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following orders * * —

PART I

(1) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments of the enactments specified in the First Schedule to this Part are hereby applied to the aforesaid tracts subject, in the case of the Code of Criminal Procedure, 1898, and the Frontier Crimes Regulation, 1901, to the modifications specified in the Second Schedule to this Part

(2) For the purpose of facilitating the application of the said enactments to the said tracts, any Magistrate or Court for those tracts may construe any provision in any such enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Magistrate or Court

THE FIRST SCHEDULE

Enactments applied

Number and year	Subject
Act XLV of 1860	Indian Penal Code
Act XXVIII of 1867	Punjab Murderous Outrages
Act IX of 1877	Revising and Amending Act XXIII of 1867
Act V of 1898	Criminal Procedure
Regulation III of 1901	Frontier Crimes

THE SECOND SCHEDULE

Modifications in the Code of Criminal Procedure, 1898 (Act V of 1898) and the Frontier Crimes Regulation, 1901 (III of 1901)

(1) *In the Code of Criminal Procedure 1898—*

(a) The Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused person

¹ Now distributed between the Loralai and Sibi Agencies

² See now the Indian (Foreign Jurisdiction) Order in Council 1902 Part II Appendix I

being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

(b) No appeal shall lie from any order of the Sessions Judge.

(c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(2) *In the Frontier Crimes Regulation, 1901—*

(a) For section 1, sub-sections (2), (3), (4), (5) and *Explanation* appended to sub-sections (4) and (5) the following shall be substituted, namely—

“(2) This Regulation shall not be enforced against (1) European British subjects, or (2) persons of any such class as the Local Government may by notification in the local official *Gazette* declare to be exempt therefrom, or (3) any person in the Civil or Military service of the Government unless such person is accused of having committed an offence conjointly with a person to whom this Regulation applies ”

“(3) The word ‘ class ’ as used in sub-section (2) includes any person who may be collectively described in a notification under this section as persons exempt from the provisions of this Regulation.”

(b) For clause (b) of section 2 the following shall be substituted. —

“(b) ‘ Commissioner ’ means the Commissioner of the Multan Division ”, and

“(c) ‘ Deputy Commissioner ’ means the Deputy Commissioner of the Dera Ghazi Khan District, and includes any Magistrate appointed by the Deputy Commissioner by order, in writing, to exercise all or any of the functions or powers specified in the first part of the first schedule of Regulation III of 1901, and also any Magistrate appointed by the Local Government to exercise all or any of such functions or powers ”

(c) For sub-section (1) of section 8 the following shall be substituted:—

“When the Deputy Commissioner thinks it expedient that any dispute should be settled in the manner provided by this section, he may make an order in writing stating the grounds of his opinion and referring the dispute to a Council of Elders.”

* * * * *

[*Gazette of India*, 1902, Pt I, p 469.]

¹ Substituted by Notification No 2677-F, dated the 18th August, 1908
Gazette of India, 1908 Pt I, p 795

² Printed *infra* p 304

VI—Orders relating to Courts.

Execution of capital sentences in British India

No 1431-I , dated the 27th April, 1893 —Printed in Appendix XIX.

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I A , dated the 13th May, 1904 —Printed in Appendix IV

Jurisdiction of High Court at Lahore over European British Subjects.

No 580-D , dated the 26th January 1917 —Printed in Appendix IV

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No. 319-D , dated the 16th January, 1917 —Printed in Appendix IV.

Appointment of Justice of the Peace with directions to commit for trial to the High Court at Lahore

No 1721-F , dated the 27th June, 1902 —In exercise of the powers conferred by sections 4 and 6 of the Foreign Jurisdiction and Extradition Act, XXI of 1879,¹ the Governor General in Council is pleased, in super-session of the notification of the Government of India in the Foreign Department, No 767-F , dated the 26th March, 1901 to appoint the Deputy Commissioner for the time being of the Dera Ghazi Khan District, being an European British subject, to be a Justice of the Peace for the tracts noted in the margin, and to direct that the Chief Court³ of the Punjab shall be the Court to which the said Deputy Commissioner shall, as such Justice of the Peace, commit for trial

The tract bounded by the plains of the Dera Ghazi Khan District on the east and south, by the territories included in the Thal-Chotiali² and Zhob Political Agencies of Baluchistan on the west and by the tract subject to the political control of (a) the Chief Commissioner, North-West Frontier Province, and (b) the Political Agent, Zhob on the north

[*Gazette of India*, 1902, Pt I, p 471]

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

² Now distributed between the Loralai and Sibi Agencies

³ Now the High Court of Judicature at Lahore

Constitution of Criminal Courts

No 1720-F., dated the 27th June, 1902—Whereas the Governor

The tract bounded by the plains of the Dera Ghazi Khan District on the east and south, by the territories included in the Thal-Chotiali¹ and Zhob Political Agencies of Baluchistan on the west and by the tract subject to the political control of (a) the Chief Commissioner, North-West Frontier Province, and (b) the Political Agent, Zhob, on the south

General in Council has power and jurisdiction within the tracts noted in the margin.

In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)², and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following orders * * :—

* * * * *

PART II

For the purposes of the exercise of criminal jurisdiction as regards the aforesaid tracts.—

(1) (a) The Deputy Commissioner for the time being of the Dera Ghazi Khan District, as regards those tracts, shall exercise the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898, and may try any offence or pass any sentence which a District Magistrate specially empowered under section 30 of that Code may try or pass, and

(b) Every Magistrate having, for the time being, any jurisdiction within the Dera Ghazi Khan District shall exercise the like jurisdiction as regards these tracts

Provided that, if in any case in which the complainant (if any) and the accused person or all the accused persons are not British subjects, the Deputy Commissioner or any such Magistrate deems it expedient for political reasons to decline to exercise the powers so conferred on him, it shall be in his discretion to do so, subject to any directions which may be issued by the Commissioner of the Multan Division or by the Lieutenant-Governor of the Punjab and its Dependencies

(2) The Commissioner for the time being of the Multan Division shall be the Sessions Judge, and his Court the Court of Session, as regards the said tracts

(3) The functions of the High Court as a Court of Reference and Revision shall be discharged by the Lieutenant-Governor of the Punjab and its Dependencies

¹ Now distributed between the Loralai and Sibi Agencies

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I

³ Printed *supra*, p 302

(4) All other functions of the High Court shall be discharged by the Court of Session.

(5) This part of this notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects

[*Gazette of India*, 1902, Pt I, p 469]

KASUMPTI

In addition to the British enactments cited above¹, which operate in the Keonthal State, the following are also in force in Kasumpti —

Local Laws and Acts locally applied.

Administration of the Kasumpti area

No 1421-I B, dated the 10th May, 1921 — Whereas the Governor General in Council has full and exclusive power and jurisdiction of every kind over the tract of land adjoining the Municipality of Simla specified in the schedule hereto annexed and over all persons and things whatsoever within the said tract hereinafter referred to as the Kasumpti area

Now, therefore, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to provide as follows for the administration of the Kasumpti area —

1 All laws, regulations, rules, bye-laws and orders for the time being in force in the Simla district of the Punjab shall be in force in the Kasumpti area.

Provided that the Punjab Municipal Act, 1911 (Punjab Act III of 1911), and the regulations, rules, bye-laws, or orders made thereunder shall be in force in the Kasumpti area to such extent only and with such modifications, if any, as the Local Government of the Punjab may, by notification in the Punjab Gazette, direct

2 The Local Government of the Punjab and all officers subordinate to that Government for the time being exercising executive authority within the said district of Simla shall exercise the like authority within the Kasumpti area

3 All courts having for the time being jurisdiction within the said district of Simla shall have the like jurisdiction within the Kasumpti area

4 The following Notifications of the Government of India, in the Foreign Department are hereby cancelled —

No 1516-I dated the 15th May, 1885,

No. 3494-I, dated the 15th October 1885, and

No 616-I B, dated the 20th April 1914

5 The General Clauses Act, 1897 (X of 1897) shall apply for the interpretation of this Notification, as if this Notification were an Act of the Governor General in Council.

¹ *Supra*, pp 287 to 294

The Schedule.

The tract of land comprising an area of forty-nine acres, one pole and twenty-seven yards and delineated on the plan annexed to the lease executed by the Raja of Keonthal on the 24th October, 1884

[*Gazette of India*, 1921, Pt. I, p. 701]

Application of the Revenue Recovery Act, 1890.

No. 1415-I , dated the 30th April, 1890.—Printed in Appendix XVI.

Publication of newspapers and other printed works

No 2651-I , dated the 25th June, 1891.—Printed in Appendix XVII.

Application of the Epidemic Diseases Act, 1897

No 443-I A , dated the 4th February, 1897.—Printed in Appendix XVIII.

Modifications in the Punjab Municipal Act, 1911, as applied

No 1859, dated the 19th January, 1922 —In pursuance of the notification of the Government of India in the Foreign and Political Department No 1421-I B.,¹ dated the 10th of May, 1921, and in supersession of Punjab Government notification No. 233, dated the 20th April, 1914, the Punjab Government (Ministry of Education) is pleased to direct that the Punjab Municipal Act, 1911, as in force in the Kasumpti area, shall be subject to the following modifications, namely:—

1 In section 3—

(a) after sub-section (3) the following sub-section, namely,—

“(3-A) ‘ Commissioner ’ means the Commissioner of the Ambala Division ”, and

(b) after sub-section (10) the following sub-section, namely,—

“(10-A) ‘ Official Gazette ’ means the *Punjab Government Gazette* ”

shall be inserted

2 In section 4—

(1) in sub-section (1)—

(a) the words “ propose to ” shall be omitted, and

(b) after the word “ municipality ” the words “ of the first or second class ” shall be inserted, and

(2) sub-section (3), (4), (5) and (6) shall be omitted

[*Punjab Gazette*, 1922, Pt I-A , p 17]

No. 1865, dated the 19th January, 1922 —In pursuance of the notification of the Government of India in the Foreign and Political Department, No. 1421-I B,¹ dated the 10th May, 1921, and with reference to Punjab Government notification No. 1859,² dated the 19th January, 1922 (Draft notification I) the Punjab Government (Ministry of Education) is pleased to direct that the Punjab Municipal Act, 1911, as in force in the Kasumpti area, shall be subject to the following further modifications :—

1 In section 11 the words “ not less than three ” shall be omitted

2 In section 52, after sub-section (2) the following sub-section shall be inserted, namely :—

“(3) Notwithstanding anything hereinbefore contained, the committee of the Kasumpti Municipality shall make such annual payments from the municipal fund to the Municipal Committee of Simla and to the Raja of Keonthal as the Local Government may direct ”

3 To sub-section (2) of section 54 the following proviso shall be added, namely :—

“ Provided that the municipal fund of the Kasumpti Municipality shall be kept in the Government Treasury at Simla ”

4 In clause B of section 61—

(1) in sub-clause (a)—

(a) in paragraph (i) for the words “ Dalhousie and Murree ” the words “ Dalhousie, Murree and Kasumpti ”; and

(b) in the first proviso to paragraph (iii) for the words “ Municipality of Simla ” the word “ Municipalities of Simla and Kasumpti ”

shall be substituted, and

(2) to sub-clause (f) the following proviso shall be added, namely :—

“ Provided that in the Municipality of Kasumpti a tax imposed under this sub-clause shall not be payable in respect of animals or goods on which octroi has been paid in the Municipality of Simla ”

[*Punjab Gazette*, 1922, Pt I-A , p. 17.]

¹ Printed *supra*, p. 307

² The preceding Notification

Orders under Acts applied.**PUNJAB MUNICIPAL ACT, 1911.***Town of Kasumpti declared a second class Municipality.*

No 1862, dated the 19th January, 1922 —In exercise of the powers conferred by section 4 of the Punjab Municipal Act, 1911, as in force in the Kasumpti area, the Punjab Government (Ministry of Education) is pleased to declare the town of Kasumpti (the boundaries of which are specified in the Schedule hereto annexed) to be a municipality of the second class for the purposes of the said Act.—

BOUNDARY SCHEDULE

East —Boundary pillars 17 to 28 running in the direction of Koti Thana, West-field and the boundary.

West.—Boundary pillars 3 to 14 running in the direction of a ravine

North —Boundary pillars 1, 32, 31, 30 and 29 running in the direction of Spring-field.

South —Boundary pillars 14 to 17 above Kasumpti Bazar

[*Punjab Gazette*, 1922, Pt I-A., p. 17.]

Constitution of the Municipal Committee of Kasumpti Municipality.

No 1868, dated the 19th January, 1922.—In exercise of the powers conferred by Sections 11 and 12 of the Punjab Municipal Act, 1911, as in force in the Kasumpti area, the Punjab Government (Ministry of Education) is pleased to fix the number of members of the Municipal Committee of the Kasumpti Municipality at one, namely, the Deputy Commissioner of Simla, for the time being.

[*Punjab Gazette*, 1922, Pt. I-A, p. 18.]

CHAPTER VIII.—UNITED PROVINCES.

The States in political relations with the Government of the United Provinces are:—

Agencies	States
¹ Rohilkhand	Rampur
¹ Kumaon	Tehri (Garhwal)
¹ Benares	Benares ²

In addition to the usual jurisdiction, which the political authorities possess over British subjects, Europeans and Americans, and Government servants, there is this further residuary jurisdiction in these States:—

- (a) In Benares all sentences of death require confirmation by the Governor in Council
- (b) In Tehri certain land-owners, known as the *muafidars* of Saklana, exercise jurisdiction in their villages in subordination to the Durbar, but subject to the proviso that in certain circumstances (*e g*, where the interests of the Raja are involved or where a *muafidar* is the accused) the Political Agent may transfer cases, both Civil and Criminal, to the Courts of the Kumaon Division for adjudication, and, further, has powers of revision where a decree of a *muafidar* is reversed or modified by the Chief Court of Tehri to which appeals lie from the *muafidars'* decisions.

The Raja of Tehri has agreed to maintain an "Inner Line", in continuation of that³ in the Almora, Garhwal, Spiti and Lahul Districts and in the Bashahi State (Punjab) to control communication with the country to the north-east as the Government of India may require

There are no Administered Areas in these States

The railways, which exist only in Rampur and Benares, are included in the Northern Division of Railways according to the classification in Volume VIII.

¹ The Commissioner of this Division is *ex-officio* Political Agent for the State

² The Benares State was created in 1911 *see* the Proclamation dated the 1st April, 1911, published in the *United Provinces Gazette*, 1911, Pt VIII, p 145

³ *See* footnote i on p 295, *supra*

STATES IN THE UNITED PROVINCES.

The following British enactments¹ are in force in the States in the United Provinces:—

I.—Statutes.²

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See Appendix II*

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* 53 and 54
Appendix I. Vict, c 37

No 580-D, dated the 26th January, 1917 —(Jurisdiction of High 5 and 6 Geo.
Courts over European British subjects) —*See Appendix IV.* V C 61

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

INDIAN CHRISTIAN MARRIAGE ACT, 1872.

Fees and Rules

No. 1586-E, dated the 20th August, 1912 —Printed in Appendix V.

INDIAN ARMS ACT, 1878

Exemption of certain persons from certain prohibitions and directions contained in the Act Rules regarding the export of arms and ammunition from, and their import into, British India.

No F. 829-I -22, dated the 3rd November, 1923 —(The Indian Arms Rules, 1924) —Printed in Appendix XXIII.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Appointment of Officers to be Registrars of Births and Deaths

No. 2931-I, dated the 15th July, 1891 —I In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act (VI of 1886), the Governor General in Council is pleased to appoint the persons for the time being holding the offices of Magistrate of Bareilly and Senior Assistant Commissioner of British Garhwal to be Registrars of Births and Deaths in respect of the classes of persons

¹ For certain reciprocal arrangements which are in force between the United Provinces and the States, see note at the end of this Chapter

² Not enumerated See Preface to this edition, paragraph 4

STATES IN THE UNITED PROVINCES —(IV —Orders under Acts of 315
the Governor General in Council and of the Indian Legisla-
ture)

indicated in section 11, sub-section (1), clause (b), of the said Act, for the Rampur and Tehri States, respectively .

1* * * * *

III The notification of the Government of India in the Foreign Department, No 341-I, dated the 25th January, 1889, is hereby cancelled.

[*Gazette of India* 1891, Pt I, p 424.]

No 656-I B, dated the 14th March, 1912.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to appoint the person for the time being holding the office of Magistrate of Benares to be Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act, for the Benares State

1* * * * *

[*Gazette of India*, 1912, Pt I, p 349]

Fees and Rules.

No 1173, dated 19th July, 1888 —Printed in Appendix VI.

INDIAN FOREIGN MARRIAGE ACT, 1903.

Fees.

No 341, dated the 11th August, 1904 —Printed in Appendix VII.

INDIAN EXTRADITION ACT, 1903

Offences under the Criminal Tribes Act declared to be extradition offences

No 4806-I. B, dated the 17th November, 1919.—Printed in Appendix VIII

Desertion from certain units of Indian State Forces declared to be an extradition offence

No. 405-I, dated the 20th June, 1928 —Printed in Appendix VIII.

Political Agent for Rampur invested with powers of a Political Agent under the Act².

No 20-I, dated the 1st January, 1891 —The Governor General in Council is pleased to appoint the Agent to the Lieutenant-Governor

¹ Obsolete. See now the proviso to section 24 (2) added by the Devolution Act, 1920 (XXXVIII of 1920)

² The Political Agent for the Benares State exercises these powers *ex-officio* as he is Political Agent for the State according to the Instrument of Transfer

316 STATES IN THE UNITED PROVINCES —(IV —Orders under Acts of the Governor General in Council and of the Indian Legislature)

for Rampur, for the time being, to exercise the powers of a Political Agent under Chapters IV and V of the Foreign Jurisdiction and Extradition Act, XXI of 1879,¹ for the State of Rampur.

[*Gazette of India*, 1891, Pt I, p 8.]

Rules under the Act.

No 1862-I A, dated the 13th May, 1904 —Printed in Appendix VIII

CODE OF CIVIL PROCEDURE, 1908

Authority to sanction institution of suits and execution of decrees against Chiefs of States

No 749-I B, dated the 27th March, 1912 —Printed in Appendix X.

INDIAN LUNACY ACT, 1912

Reception and detention of lunatics from Benares and Tehri States in asylums in British India

²No 1347-G, dated the 23rd August, 1918 —Printed in Appendix XI

OFFICIAL TRUSTEES ACT, 1913

Inclusion of States in the Province of the United Provinces for the purposes of the Act

No 1450-D, dated the 19th March, 1914 —Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913

Inclusion of States in the Province of the United Provinces for the purposes of the Act

No 1449-D, dated the 19th March, 1914 —Printed in Appendix XIII

Exercise of powers and duties of a District Judge under the Act

No 3542-I, dated the 27th August 1891 —Printed in Appendix XIII.

INDIAN INCOME-TAX ACT, 1922

Modification of income-tax when income-tax has been charged both in British India and in the Benares State

No 25, dated the 1st July, 1926 —Printed in Appendix XV

¹ See now the Indian Extradition Act, 1903 (XV of 1903)

² Cf Notification No 1346-G, dated the 23rd August, 1918 Printed in Appendix XI

V.—Special Laws.

Procedure to be observed by Political Officers in making orders for the detention of lunatics from the Benares and Tehri States in asylums in British India.

¹No. 1346-G , dated the 23rd August, 1918 —Printed in Appendix XI.

¹ Cf Notification No 1347-G , dated the 23rd August, 1918 Printed in Appendix XI.

VI.—Orders relating to Courts.

Execution of capital sentences in British India

No 1431-I , dated the 27th April, 1893 —Printed in Appendix XIX

Jails in the United Provinces to which warrants for the execution of capital sentences may be sent

No 2151-VI-291-C , dated the 7th November, 1893 —Whereas with reference to the provisions of section I of Act V of 1893, and paragraph 1 of Foreign Department notification¹ No 1431-I , dated the 27th April, 1893, British Courts beyond the limits of British India may issue warrants for the execution of a capital sentence to the Superintendent of a jail in British India

And whereas the Governor General in Council has been pleased, under section 2 of the said Act and paragraph 2 of the said notification, to authorise the Government of the North-Western Provinces and Oudh to direct to what jails within the territories subject to the jurisdiction of the Lieutenant-Governor and Chief Commissioner such Courts may send their warrants, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Court as aforesaid

In exercise of the powers thus conferred, the Lieutenant-Governor and Chief Commissioner is pleased to direct that warrants may be sent by such courts to any of the undermentioned jails, the Superintendent of which shall thereupon cause the sentence to be carried out in the manner prescribed —

District jail of Agra, Allahabad, Bareilly, Dehra Dun, Jhansi, Moradabad

[*United Provinces Gazette*, 1893, Pt I, p 832.]

Criminal law and procedure of British India applicable to British subjects in Indian States

No 1863-I. A , dated the 13th May, 1904 —Printed in Appendix IV.

Jurisdiction of the High Court at Allahabad over European British subjects in States in the United Provinces

No 580-D , dated the 26th January, 1917.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction

No 582-D , dated the 26th January, 1917 —Printed in Appendix IV.

¹ Printed in Appendix XIX

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

No 319-D., dated the 16th January, 1917 —Printed in Appendix IV.

Appointments of Justices of the Peace for Rampur and Benares

No 1883-I , dated the 7th July, 1883 —In exercise of the powers conferred by sections 4 and 6 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879),¹ the Governor General in Council is pleased to appoint the officer holding for the time being the office of Commissioner of Rohilkhand and Agent of the Lieutenant-Governor of the North-Western Provinces for Rampur, provided that such officer be a European British subject, to be a Justice of the Peace within the territories of the Nawab of Rampur.

[*Gazette of India*, 1883, Pt I, p 289.]

No 866-I. B , dated the 18th April, 1912 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf the Governor General in Council is pleased to appoint the officer for the time being holding the office of Commissioner of Benares, being an European British subject, to be a Justice of the Peace within the territories of His Highness the Maharaja of Benares

[*Gazette of India*, 1912, Pt I, p 486]

Officers invested with criminal jurisdiction in the Benares State

No 867-I B , dated the 18th April, 1912 —Whereas the Governor General in Council has in certain cases criminal jurisdiction within the State of Benares

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases —

- (1) The District Magistrate of Benares for the time being shall exercise, when employed in respect of such cases occurring within the limits of the said State, the powers of a District Magistrate, as defined in the Code of Criminal Procedure, 1898 (V of 1898)
- (2) He shall also exercise the powers of a Sessions Judge, as defined in the said Code, in respect of such cases occurring within the limits of the said State

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I.

- (3) The Commissioner of Benares for the time being shall exercise the powers of a Sessions Judge, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by the District Magistrate of Benares. Provided that the District Magistrate shall not commit an accused person for trial to the Commissioner acting as a Sessions Judge.
- (4) The Commissioner of Benares for the time being shall also exercise the powers of a High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction or the jurisdiction of a Court of Session is exercised by the District Magistrate of Benares.
- (5) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the District Magistrate of Benares may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by a Magistrate.
- (6) A trial before the District Magistrate of Benares as Sessions Judge in the exercise of the jurisdiction conferred by these orders may be without jury or the aid of assessors.
- (7) The aforesaid British Officers in the exercise of any jurisdiction delegated to them within the State of Benares are to be guided by the law of British India relating to offences and criminal procedure in so far as it is applicable.
- (8) These orders apply to all proceedings except proceedings against European British subjects, or persons charged jointly with European British subjects.

[*Gazette of India*, 1912, Pt I, p 486.]

Jurisdiction of Criminal Courts of Indian States over Indian Officers and Soldiers of the Indian Army

Letter of the Government of India No 1389-I 1 dated the 18th April 1905—Printed in Appendix XX

Reciprocal service of summonses by Courts of the Benares, Rampur and Tehri States and Courts in British India

No 323-I, dated the 15th May 1929—Printed in Appendix XXI-B

*Reciprocal execution of decrees by certain Courts of the Benares State
and Courts in British India*

No. 321-I , dated the 15th May, 1929 —Printed in Appendix XXI-B.

NOTE—The following reciprocal arrangements between the United Provinces and the States may be noted —

- (1) In connection with the administration of the Indian Arms Act, 1878 (XI of 1878), the District Officers of the Benares division and the District Officer of Allahabad are empowered, with reference to condition No 3 of licence form XVI, to make licences granted on that form valid for the Benares State, provided that a copy of each such licence is forwarded to the Benares Darbar. Similarly, the Darbar can make their corresponding licences valid for the Benares division and the Allahabad district, if they forward a copy of such licences to the District Officer of the British district concerned.
- (2) Both the Rampur and Benares States have adopted the provisions of the Indian Motor Vehicles Act, 1914 (VIII of 1914), and the rules framed by the Government of the United Provinces, and consequently under the orders contained in para 1 (b) of the Government of India's letter No 1697-1 A , dated the 14th August, 1916, both the States have been granted reciprocity in matters of licensing and registration.
- (3) As regards co-operation with the Indian States in the administration of the Criminal Tribes Act, 1924 (VI of 1924), see the Criminal Tribes Manual (United Provinces), 1926, Vol I, Chapter IX, pages 85 to 89.

